

Costs Decision

Site visit made on 28 February 2017

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2017

Costs application in relation to Appeal Ref: APP/M0655/W/16/3161229 3 Hayscastle Close, Callands, Warrington, WA5 9UR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Warrington Borough Council for a full award of costs against Mr Paul Brown.
 - The appeal was against the refusal of planning permission for existing raised decking and walls/fencing to boundary and rear garden.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG says that the right of appeal should be exercised in a reasonable manner and that an appellant is at risk of an award of costs being made against them if the appeal had no reasonable prospect of succeeding.
4. However, although the submitted plans were of little use, I was able to see and judge the development at my visit. Whilst I appreciate that a new planning application could have been submitted following the refusal of the appeal application, there is nothing in the PPG to suggest that an applicant should submit a second planning application before making an appeal.
5. Moreover, if the local planning authority (LPA) believed that the "problem" could have been remedied by a second planning application, it was open to the LPA to obtain the fresh information during the course of the first application. Engagement between parties should occur during the course of a planning application rather than after a refusal. Furthermore, the Council registered the application as being a valid one and therefore it is curious that its refusal was purely on the inadequacy of the plans.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the Council's claim for costs fails.

Siobhan Watson

INSPECTOR
