
Costs Decision

Site visit made on 14 March 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 24 March 2017

Costs application in relation to Appeal Ref: APP/R0660/W/16/3165887 Pear Tree Cottage, Cuckoo Lane, Acton, CW5 8LL

- 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 Mr Tony Masters for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for the erection of up to 3 dwellings with primary access defined up to 20 metres and ancillary facilities and associated infrastructure.
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Decision

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

Reasons

2. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, it may be subject to an award of costs.
 3. The National Planning Policy Framework indicates in paragraphs 186 and 187 that local planning authorities should approach decision-taking in a positive way; that the relationship between decisions and plan-making should be seamless; that they should look for solutions rather than problems; they should seek to approve applications for sustainable development; and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
 4. In spite of the Council not being able to demonstrate an up to date supply of land for housing, the relationship between the Council's decision and development plan policies/national policy is consistent; the development proposed would not have been sustainable so should not have been approved; it would not have improved the environmental conditions of the area so it would not have been appropriate for the Council to have proactively tried to secure the development; and I have no reason to believe that there would have been a solution to make the development acceptable.
 5. I understand the applicant's frustration with a lack of returned calls and emails and with the severe delay of the Council in responding to the pre-application enquiry. However, the Council was clear at an early stage that the proposal would be unacceptable in principle due to its policy conflict and that it would not be supported. The applicant was professionally represented and must have been aware of the policy conflict. I appreciate that there are always differences of opinion but the Council has clearly substantiated its reason for
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refusal. I am not persuaded that a greater level of communication would have made any difference to the outcome of the application or that the appeal could have been avoided.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the applicant's claim for costs fails.

Siobhan Watson

INSPECTOR