
Costs Decision

Site visit made on 23 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 29 March 2017

**Costs application in relation to Appeal Ref: APP/R0660/W/16/3161722
Stone Cottage, 14 Summerhill Road, Prestbury, Macclesfield, Cheshire
SK10 4AH**

- 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 Howard Bilton for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for construction of one detached infill dwelling.
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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. With regards to the length of time to determine the application the Council states that this is a complex case and that the appellant could have exercised his right to appeal against non-determination. Based on my consideration of the appeal and evidence provided to me, I concur that this is a complex proposal and that the Council did not act unreasonably in the length of time taken to determine the application.
4. I note the applicant expresses concern about the lack of feedback from the Council or a response to requests to discuss the proposal prior to their determining the application. However, due to the identified conflicts with local and national policy in relation to the Green Belt, I am not persuaded that if discussions had taken place that they would have overcome this issue. Therefore, discussions would not have resulted in either the appeal being avoided altogether or the issues to be considered being narrowed, thus reducing the expense associated with the appeal¹.
5. The applicant also contends that the Council's reason for refusal does not specify why the proposal is "contrary to national planning policy guidance relating to development in the Green Belt". However, this matter is considered

¹ Planning Practice Guidance Paragraph: 049 Reference ID: 16-049-20140306

in the Officer's Delegated Report and the applicant has been able to respond on this matter within their Statement.

6. The applicant also expresses concern that the Council referred to Policy GC1 of the Macclesfield Borough Local Plan 2004, which has been confirmed as being inconsistent with the National Planning Policy Framework (the Framework). However, Policy GC1 is an adopted Development Plan Policy relevant to this case, albeit one of limited weight, and the Council has therefore not behaved unreasonably in assessing the development against this Policy.
7. The applicant also contends that the proposal would 'represent limited infilling within a village' under one of the exceptions of paragraph 89 of the Framework. However, the Council is of the opinion that this exception does not apply to the proposal. As can be seen from my appeal decision I agree with the Council on this matter and they have therefore not behaved unreasonably in reaching this conclusion.

Conclusion

8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated.

David Cross

INSPECTOR