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## Costs Decision

Site visit made on 2 May 2017

**by Thomas Hatfield BA (Hons) MA MRTPI**

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

**Decision date: 11<sup>th</sup> May 2017**

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**Costs application in relation to Appeal Ref: APP/R0660/D/17/3167797  
142 Buxton Road, Disley, SK12 2HG**

- 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 Miss Gillian Anderson for a full award of costs against Cheshire East Council.
  - The appeal was against the refusal of planning permission for a side extension to first floor above existing garage.
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### Decision

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

### Reasons

2. 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 appellant submits that the Council has acted unreasonably in that it has sought to prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan and national policy.
4. The application was refused for a single reason. This stated that the extension would "*create a cramped, substandard form of development and would create a precedent for similar proposals in the area*". The Council provided a detailed and reasoned case in the Planning Officer's Report to substantiate its reason for refusal. While I have found that the appeal should succeed, the effect of the development on the character and appearance of the area is essentially a matter of professional judgement. In this case, the Council has substantiated its decision, and it did not act unreasonably in refusing the application.
5. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Thomas Hatfield*

INSPECTOR

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