
Costs Decision

Site visit made on 16 May 2017

by **Siobhan Watson BA(Hons) MCD MRTPI**

Decision date: 19 May 2017

Costs application in relation to Appeal Ref: APP/M0655/D/17/3169327 48 Oughtrington Lane, Lymm, WA13 0QT

- 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 Andrew Dugdale for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for a "single storey extension to the side of the house – existing side extension demolished".
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Decision

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

Reasons

2. The single storey extension is slightly bigger than the one that existed before and therefore it is correct that the Council should consider whether the new extension would result in disproportionate additions over and above the size of the original building, in accordance with paragraph 89 of the National Planning Policy Framework. In undertaking this assessment, it also had to take account of the unauthorised summerhouse.
3. There was a disagreement between the parties over what constituted the original part of the building and the Council relied on a Google aerial view. The applicant produced substantial evidence during the appeal in relation to what constituted the size of the original building. However, this evidence was not available to the Council at the time of its decision. It was not, therefore, unreasonable for the Council to come to the conclusion it did, in light of the information that was available to it at the time.
4. Furthermore, the application was not only refused on Green Belt grounds, there was also a character and appearance reason for refusal, so the appeal could not have been avoided.
5. I note the applicant's reference to legal cases¹ but the Council did provide coherent evidence about why it considered the development to be inappropriate, referring to Paragraph 89 of the Framework. The Council also substantiated its character and appearance reason for refusal. Furthermore, it is up to the Council to form their own policies in respect of Paragraph 89 and I

¹ Turner V Secretary of State for Communities and Local Government [2016] EWCA CIV 466
Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

find no obvious conflict between it and the *Council's Supplementary Guidance G Extensions within the Green Belt*.

6. In conclusion, I do not find the unreasonable behaviour and unnecessary or wasted expense required for me to make an award of costs. The application for an award of costs fails.

Siobhan Watson

INSPECTOR