
Costs Decision

Site visit made on 26 June 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 18th July 2017

Costs application in relation to Appeal Ref: APP/R0660/W/17/3171265 Heathfield House, Bollington Lane, Nether Alderley SK10 4TB

- 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 Kay for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for the conversion of disused MoD building to dwelling without complying with conditions attached to planning permission Ref 82411P, dated 4 October 1995.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Council's reason for refusal set out in the Decision Notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposed removal of the conditions would conflict with. This reason was adequately substantiated by the Council in its evidence, which states how development carried out under permitted development rights could be harmful to the openness of the Green Belt.
4. The Council also refer to the effect of permitted development on the heritage of the original building. Whilst I have not concurred with this view, the Council's justification for this concern was not unreasonable.
5. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have acted unreasonably, although having considered the appeal on its own merits, I have not concurred with the Council's view.
6. I note that the reasons for the conditions given in the original decision notice did not provide substantive justification for them. I do not agree with the Council's view that it could be inferred that the reasons was to preserve the openness of the Green Belt. Nevertheless, the Council have provided a justified explanation for the conditions in their appeal submission, which I do not find to be unreasonable.

7. Furthermore, the Council considered the imposition of the conditions in conjunction with the National Planning Policy Framework (the Framework) by making specific reference to the six tests set out in paragraph 206 and also National Planning Practice Guidance (the PPG), concluding that there were exceptional circumstances.
8. To conclude, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the planning guidance, has not been demonstrated and that an award of costs is not justified in this instance.

Alexander Walker

INSPECTOR