
Costs Decisions

Site visit made on 17 October 2017

by Katie McDonald MSc MRTPI

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

Decision date: 9 November 2017

APPLICATION A

**Costs application in relation to Appeal Ref: APP/M0655/D/17/3180200
15 Broseley Lane, Culcheth, Warrington, Cheshire WA3 4HP**

- 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 Gary Webb for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for a single storey rear extension plus installation of bifold doors to rear ground floor elevation and double doors with Juliet balcony to rear first floor elevation.
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APPLICATION B

**Costs application in relation to Appeal Ref: APP/M0655/D/17/3180200
15 Broseley Lane, Culcheth, Warrington, Cheshire WA3 4HP**

- 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 Warrington Borough Council for a full award of costs against Mr Gary Webb.
 - The appeal was against the refusal of planning permission for a single storey rear extension plus installation of bifold doors to rear ground floor elevation and double doors with Juliet balcony to rear first floor elevation.
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Decision

1. Both applications A and B for an award of costs are refused.

Reasons

2. The Planning Practice Guidance 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.

Application A

3. The applicant submits that the Council have acted unreasonably on procedural grounds, by failing to conduct a thorough site visit. This has resulted in unnecessary expense by the applicant in appealing the decision.
4. The Council refused the application based upon the proposal being inappropriate development in the Green Belt, as the extension was considered to be a disproportionate addition over and above the size of the original

building. Whilst a site visit on the applicant's land may have benefitted this assessment; the site planning history, GIS mapping system and aerial photography, along with the site visit that was conducted, are likely to have enabled the Council's decision to be soundly reached.

5. It is for the Council to determine how they conduct site visits. Furthermore, the planning application form states that the site can be seen from a public road, public footpath, bridleway or other public land. I do not consider that site visit guidance for Planning Inspectors is relevant to Council officers.
6. Consequently, I find that the Council have not behaved unreasonably leading to the applicant incurring unnecessary or wasted expense in the appeal process. As such, I conclude that the application for an award of costs is not justified.

Application B

7. The Council submits that the appellant (Mr Gary Webb) has acted unreasonably on substantive grounds by pursuing an appeal that had no reasonable prospect of succeeding, being development that is clearly not in accordance with the development plan. This has resulted in unnecessary expense to the Council.
8. The appellant submitted the appeal because he did not agree that the proposal would be a disproportionate addition, and thus it would not be inappropriate development. No very special circumstances would be required to be demonstrated if I had found that the proposal was not inappropriate development.
9. I find that Mr Webb has not behaved unreasonably. As I have not found unreasonable behaviour, it not necessary to consider whether unnecessary or wasted expense has been incurred.
10. As such, I conclude that the application for an award of costs is not justified.

Katie McDonald

INSPECTOR