



Costs Decision

Site visit made on 7 November 2017

by Katie McDonald MSc MRTPI

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

Decision date: 14 December 2017

Costs application in relation to Appeal Ref: APP/R0660/W/17/3179760 Bowling Green, Ingersley Vale, Bollington SK10 5BP

- 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 Ingersley Crescent Limited for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous outline planning permission was granted for 11 no. 2.5 storey and 2 no. 2 storey residential housing - resubmission of 15/0669M.
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Decision

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

Reasons

2. Planning Practice Guidance indicates that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals.
4. The applicant submits that the Council have acted unreasonably on three substantive grounds:
 - (a) Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 - (b) Failure to produce evidence to substantiate each reason for refusal on appeal.
 - (c) Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The Council's Planning Committee refused planning permission contrary to officer recommendation. While the Council is not duty bound to follow its officer's recommendations, if a different decision is reached the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and substantiate that reasoning.

6. The Council's appeal statement refers to a reduction in amenity space for the proposed dwellings, the loss of the gap between Plots 6 and 7 and the effect of a single block of dwellings within the street scene. The Council also state the policies of the development plan and the National Planning Policy Framework which they consider the appeal scheme conflicts with. The effect of a development upon the character and appearance of an area is subjective and, although brief, the Council in its statement does rationally substantiate the reason for refusal and their thoughts on the proposal's impact.
7. Therefore, I find that the Council have not behaved unreasonably on any of the grounds cited. Consequently, the applicant has not incurred unnecessary or wasted expense in the appeal process. As such, I conclude that the application for an award of costs is not justified.

Katie McDonald

INSPECTOR