
Costs Decision

Hearing held on 29 November 2017

Site visit made on 29 November 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 8th January 2018

Costs application in relation to Appeal Ref: APP/R0660/W/17/3180027 Land adjacent to Flat 2a, Brookside, Ryleys Lane, Alderley Edge SK9 7UU

- 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 Cheshire East Council for a full award of costs against Mr P Schaefer & Ms S Gal.
 - The hearing was in connection with an appeal against the refusal of planning permission for erection of one dwelling with associated works (resubmission of 16/2412M).
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Decision

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

Reasons

2. The 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. The application for costs seeks a full award on procedural grounds¹.
3. The Council stated that the appellants were unreasonable by providing late evidence and information at the hearing and their failure to adhere to the deadlines. The Council particularly objected to the submission of an appeal decision by the appellants at the hearing that gave them insufficient time to consider and respond to the late information.
4. The appellants indicated that the appeal decision for a dwelling allowed at Scholar Green² had been submitted in response to the Council's appeal statement, which contained an appeal decision dismissed for a new dwelling at Wilmslow³. The appellants indicated that this was submitted in accordance with the hearing appeal timetable process that only allowed them to submit this late information at the Informal hearing for the Inspector's consideration.
5. Whilst I understand the Council's and local residents concerns regarding the submission of late information, the appeal decision submitted by the appellants was discussed at the hearing and the Council stated that the appeal decision detailed in the late evidence was not directly relevant to the appeal scheme and should be given no weight. It will be seen for the reasons set out in my

¹ Planning Practice Guidance: Paragraph: 052 Reference ID: 16-052-20140306

² APP/R0660/W/16/3147846

³ APP/R0660/A/14/2226360

appeal decision, I concur with the Council that the proposed dwelling at Scholar Green has different development and locational characteristics to the appeal scheme and have afforded this matter limited weight in my decision.

6. Therefore, whilst the appellants could be judged to have failed by not submitting this appeal decision within the appeal deadlines as part of their original appeal statement, I consider the appellants provided sufficient clarity to substantiate the exceptional circumstances as to why this late information was submitted at the hearing. I do not consider that unnecessary or wasted expense was incurred by the Council in considering this relatively minor matter that was afforded limited weight in my appeal decision in this case.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

David Troy

INSPECTOR