
Costs Decision

Site visit made on 1 July 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Costs application in relation to Appeal Ref: APP/M0655/W/19/3221877 100 Kenyon Lane, Croft, Warrington WA3 4AY

- 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 and Mrs G and R Corns for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for the part demolition of existing storage building and erection of one detached dwelling.
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Decision

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

Reasons

2. Planning Policy 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 planning application submission, including the Bat survey included a number of references to the outbuildings being agricultural buildings and the site being within a farmyard. This is not an unreasonable description of the site as, on the face of it, it has the appearance as such. The evidence supporting the applicants' contention that the buildings are no longer used for agricultural purposes is limited to evidence given by the applicants and their parents. Whilst the evidence is limited, on the balance of probabilities, based on the evidence before me I found in favour of the appellants in this regard. Nevertheless, this was finely balanced. I do not find that the Council were unreasonable in finding that that the agricultural use had ceased, and I do not agree that in making this decision they did not have due regard to established case law, notably Lee Valley Regional Park Authority v Broxbourne Borough Council [2015] EWHC 185 (Admin). Overall, contrary to the applicant's contention, the evidence was not very clear that the site is previously developed land.
4. I also acknowledge the applicants' frustration with the Council following the issuing of the Decision Notice. However, the Council offered the applicants the opportunity to submit a pre-application enquiry. I do not consider the Council to have behaved unreasonably in this regard either.
5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not

been demonstrated. For this reason, an award for costs is therefore not justified.

Alexander Walker

INSPECTOR