
Costs Decision

Site visit made on 3 June 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Costs application in relation to Appeal Ref: APP/D0650/W/18/3213705 Ponderosa, land to the west of Newton Lane, Daresbury

- 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 Charles Smith for a full award of costs against Halton Borough Council.
 - The appeal was against the refusal of planning permission for the removal of the existing equine and WC building and erection of 1 no. residential static park home.
-

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 another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG advises that local planning authorities are at risk of an award of costs for 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, or for vague, generalised or inaccurate assumptions about a proposals impact, which are unsupported by any objective analysis.
4. There are references in the submissions before me to paragraphs from the original National Planning Policy Framework (the Framework), published in 2012. Updated, revised versions of the Framework were published in July 2018 and February 2019. Both parties have had the opportunity to comment on those updated versions. Unless otherwise stated, any subsequent reference to the Framework in this decision is to the 2019 version.

Green Belt

5. The Council's reason for refusal refers to Policy GE1 of the Halton Unitary Development Plan (the UDP). The appellant submits that the Council's consideration of the application against UDP Policy GE1 was fundamentally wrong and resulted in a planning decision which is not sound, and thus in an unnecessary appeal.
6. Paragraph 1 of Policy GE1 states that planning permission will not be given for inappropriate development in the Green Belt except in very special

circumstances. That part of Policy GE1 is consistent with the Framework, which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7. Paragraph 3 of Policy GE1 lists a number of circumstances in which development in the Green Belt would not be regarded as inappropriate. That list does not include the redevelopment of previously developed land. That part of Policy GE1 is therefore inconsistent with the Framework, which includes the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development as an exception to the presumption that the construction of new buildings is inappropriate in the Green Belt.
8. The Council's report states that the proposal would not fall within any of the categories in paragraph 3 of Policy GE1, and is thus contrary to its provisions. However, the Council's report recognises the Framework as a principal material consideration, and acknowledges that the Framework introduced additional categories of development which are deemed not to be inappropriate, including the provision for redevelopment of previously developed sites.
9. Having done so, the Council's report goes on to consider the proposed development against the provisions of the Framework, including with reference to the need to consider whether the redevelopment of previously developed land would have a greater impact on the openness of the Green Belt than the existing development. The Council then proceeded to consider the effects of the existing and proposed development with regard to openness, including with reference to the size of the existing and proposed buildings, the effects of associated residential paraphernalia and the urbanising effects of the proposed development compared with the existing use.
10. Therefore, from the submissions before me, it is evident that the Council relied on Policy GE1 insofar as that policy prevents inappropriate development in the Green Belt. As the policy is consistent with the Framework in that respect, the Council was not unreasonable to do so, or to refer to that policy in its reason for refusal. However, it is also clear that, in reaching its conclusion that the development was inappropriate, the Council attached greater weight to the exceptions in the Framework. Its conclusions in that respect were not expressed in vague or generalised terms, but were clearly arrived at following a detailed analysis of the relative effects of the existing and proposed development, with reference to specific aspects of those developments, and to arguments put forward by the appellant in support of the scheme.
11. Therefore, insofar as it relates to the effects of the development on the Green Belt, the Council has fully substantiated its reason for refusal with reference to relevant policy and other material considerations, and based on an objective analysis of the proposal's impact. I therefore conclude that the Council has not behaved unreasonably in the terms of the PPG, and that its actions have not led to an appeal which could otherwise have been avoided.

'Unsustainable location'

12. The Council's reason for refusal also refers to the site as being in an unsustainable location. Whether a site is accessible with regard to services and facilities is a matter of planning judgement based on the circumstances in a particular case.

13. It is evident from the submissions before me that, in concluding that the site was in an unsustainable location, the Council had regard to it being distinct from Daresbury village, and to the distances that would need to be travelled to access local amenities.
14. I observed that the site is indeed separate from Daresbury village, as set out by the Council. Furthermore, whilst the village includes some limited facilities, and there is an area of potential employment nearby, I also consider that the site's location and distance from other facilities is likely to necessitate some private car use. It will be seen from my decision that, on balance, I have reached a different conclusion to the Council on this particular issue. Nonetheless, insofar as it refers to the development being in an unsustainable location, I find that the Council has adequately substantiated its reason for refusal with reference to the particular circumstances and location of the site, and that it did not behave unreasonably in reaching the conclusion it did as a matter of planning judgement.

Conclusion

15. For the reasons given, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award for costs is therefore not justified.

Jillian Rann

INSPECTOR