



Costs Decision

Site visit made on 2 July 2019 by S Watson BA (Hons) MSc

Decision by R C Kirby BA (Hons) DIPTP MRTPI

Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Costs application in relation to Appeal Ref: APP/A0665/W/19/3226238 Land at Ashton House, Welsh road, Little Sutton, Cheshire, CH66 4QR

- 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 Andrew McCausland for a full award of costs against Cheshire West & Chester Council.
 - The appeal was against the refusal of planning permission for erection of new build dormer bungalow.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. 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. The applicant submits that the Council failed to engage in a positive and proactive manner. It is submitted that as the reason for refusal was not a matter of principle, had the Council entered in to discussions with the applicant amendments could have been made to address the Council's reasons for refusal.
4. It appears however, that there was a dialogue open between the applicant and Council during the planning application process. However, this dialogue, at the time of the decision, did not result in the concerns of the Council being resolved. In this way the Council did not act in an unreasonable manner. Furthermore, it is of course open to the appellant to approach the Council with an alternative scheme if they so wish.
5. I find that the work undertaken by the applicant, involved in defending this appeal, was necessary and therefore not a wasted expense.

Conclusion and Recommendation

6. In light of the foregoing, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG,

has not been demonstrated. I recommend that an award of costs would not be justified in this case.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

R C Kirby

INSPECTOR