
Costs Decision

Site visit made on 16 July 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Costs application in relation to Appeal Ref: APP/A0665/W/19/3228041 Yeld Lane Farm, Yeld Lane, Delamere, Northwich CW6 0TB

- 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 Bow Property Development Ltd for a partial award of costs against Cheshire West & Chester Council.
 - The appeal was against the refusal of the Council to grant planning permission to demolish an existing garage/storeroom and replace with a 4 bed dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. In this instance, the application is based on the late submission of comments on behalf of the Parish Council. In this case, the Kelsall Parish Council requested permission from the Inspector to submit late representations to the appeal on the basis that they had not been informed of the appeal by the Council. The representations were accepted, and the appellant was duly given the opportunity to respond.
4. The Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include delay in providing information or other failure to adhere to deadlines.
5. The Council dispute the fact that they failed to inform Kelsall Parish Council and has provided some evidence that suggests email notifications were sent to the Parish Council on 24 May 2019. However, I note that there are two Parish Councils of relevance and it is not entirely clear whether both were notified.
6. Nevertheless, having reviewed the late submission made by Kelsall Parish Council it is clear that no issues were raised that weren't already part of the appeal. Indeed, the appellant notes in their response to the comments at section 2.1 that the comments made are very similar to those made at the application stage. At 2.2 they make reference to the fact the policy matters raised by the Parish Council are addressed within the appeal statement.

7. In the context that there was no new information provided by the Parish Council with regards to the appeal and that the appellant had commented on the issues raised in previous submissions I do not accept that the late representations gave rise to any unnecessary or wasted expense.

Conclusion

8. For the collective reasons outlined above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

J Hunter

INSPECTOR