The Planning Inspectorate

Costs Decision

Site visit made on 29 October 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2019

Costs application in relation to Appeal Ref: APP/A0665/W/19/3233773
18 Senna Lane, Comberbach, Northwich CW9 6BQ

- 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 Mrs T Evans for a full award of costs against Cheshire West & Chester Council.
- The appeal was against the refusal of planning permission for the construction of a detached dwelling.

Decision

1. The application for the award of costs is dismissed.

Reasons

2. Irrespective of the outcome of an appeal, Paragraph 030 of the National Planning Practice Guidance (PPG) advises that 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. The application essentially relies on the fact that Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action without proper reason to do so. The appellant suggests that the Committee members based their decision, not upon the outline planning application but upon detailed matters that were reserved.

4. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.

5. In this case, I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of planning judgement. The Council members in this case were entitled not to accept the professional advice of the officers as long as a case could be made for the contrary view.

6. It will be seen from my decision, that I agree with Council Members and that there were sufficient grounds for refusing planning permission on grounds related to the harm to the character and appearance of the area that would be caused by the development of a dwelling on the appeal site. Consequently, it follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal. Whilst detailed matters were reserved, it was nonetheless reasonable for the Council to take the view that in principle

the erection of a dwelling on the site would cause harm to the character and appearance of the area.

Conclusion

7. For the above reasons, I conclude 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