
Costs Decision

Site visit made on 20 December 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2020

Costs application in relation to Appeal Ref: APP/R0660/W/19/3238558 Paul Shaw Autos, Newcastle Road, Congleton, Cheshire CW12 4JX

- 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 S Isa for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for the change of use to mixed use comprising of MOT station, car repairs and hand car wash.
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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 the party applying for costs to incur unnecessary or wasted expense in the appeal process. The general principle embodied within the guidance is that the parties involved should normally meet their own expenses. I have carefully considered the matter of a full, and indeed, a partial award of costs.
3. The applicant submits that the Council have behaved unreasonably by not considering the proposed hours of working, that no machines would be used to wash vehicles, the proposed layout, and not providing clear and precise reasons in the decision notice.
4. I understand that a previous application dismissed on appeal¹ proposed to operate the car wash 7 days a week, that the applicant sought to address the previous Inspector's decision by reducing the hours, omit Sunday working, and to not use any machinery such as jet washers, so as to address noise and disturbance concerns. The amenity section of the case officer's report refers to the proposed 6 day working week and the absence of a noise assessment with the application. Therefore, whilst greater detailed commentary could have been provided, I am satisfied that the Council considered the applicant's supporting information with regards to these matters.
5. With regards to the proposed layout, informative No 2 of the Council's decision notice states that the decision relates to the submitted drawing EPPE FPSA NR HW 16-07-10 Rev.0. Therefore, I am satisfied that the applicant's proposed layout was considered by the Council in coming to their decision.

¹ APP/R0660/W/19/3220120

6. The reason for refusal identifies the proposed car wash and valeting use as having a detrimental impact on the residential amenity of neighbours and specifies the relevant policy of the development plan. Whilst I accept further details could have been included to identify the precise impacts, the format of the reason is broadly consistent with the advice contained in PPG². Furthermore, when read in conjunction with the case officer's report the Council's reason for refusal is clear and substantiated.
7. The Council's decision notice states that it has followed the guidance in paragraph 38 of the National Planning Policy Framework with regards to working proactively with applicants. Whilst the applicant contends that the Council refused to have dialogue, there is no evidence before me that the Council have acted unreasonably in this regard.
8. I note the decision notice I have been provided does not contain details of how an applicant can appeal a decision of the Council. Whilst the omission of such details is not best practice, I do not consider the Council's behaviour unreasonable in this regard.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

R Cooper

INSPECTOR

² Paragraph: 020 Reference ID: 21b-020-20140306