
Costs Decision

Site visit made on 27 February 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Costs application in relation to Appeal Ref: APP/A0665/W/19/3243071 New Hey Lane, Willaston, Neston CH64 2UU

- 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 C W Moore for a full award of costs against Cheshire West & Chester Council.
 - The appeal was against the refusal of planning permission for conversion to one residential unit.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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. Examples of unreasonable behaviour of the local planning authority include not determining similar cases in a consistent manner and where the Council has prevented development which should have been permitted.
3. The PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations or fails to produce evidence to substantiate each reason for refusal at appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The main thrust of the applicant's case is that the Council has prejudged the application based on the "planning history of the site and conflict with planning policy". Under the heading of "undue influence" the appellant refers to the Council's website and the inability to see and thus respond to comments by third parties. Finally, the applicant refers to a report¹ and states that the lack of openness is unreasonable behaviour.
5. The Planning Officer's report does not refer to planning history of the site or planning policies, a brief reference only is made to a petition of objection received from third parties. Nonetheless, the Officer's reasoning is clearly based on the relevant legislation.

¹ Probity in Planning, Local Government Association

6. While the applicant's inability to easily access the objectors petition is regrettable, based on the evidence before me I do not conclude that this, or the other matters referred to, amounts to unreasonable behaviour resulting in unnecessary expense in relation to the appeal.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and therefore an award of costs is not justified.

Mark Brooker

INSPECTOR