
Costs Decision

Site visit made on 10 January 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Costs application in relation to Appeal Ref: APP/R0660/W/19/3239168 Grove End Farm, Blossoms Lane SK7 1RF

- 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 and Mrs E Thornton-Chan for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of prior approval for the conversion to a single dwelling.
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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.
3. 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.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal, and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, and/or refuses planning permission on a ground capable of being dealt with by conditions. I am satisfied that the Council's reasons for refusal set out in the decision notice, and the analysis of the issues within the Council officers report are reasonable and have not resulted in the appellants incurring unnecessary or wasted expense in the appeal process.
5. The appellants submit that the Council have behaved unreasonable by refusing the application for prior approval after the 56 day statutory determination period. As I have summarised in the separate decision letter, Article 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 does permit applicants and local planning authorities to agree extensions of time for the determination of such prior approval applications. Therefore, the Council have not acted unreasonably in this regard.

6. The refusal of planning permission therefore does not constitute unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG, and the appellants have not been faced with the unnecessary expense of lodging the appeal.

R Cooper

INSPECTOR