

Costs Decision

Site visit made on 17 June 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2020

Costs application in relation to Appeal Ref: APP/D0650/W/19/3233183 67 Main Street, Runcorn WA7 2AT

- 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 Jamie Pugh (Spacelight Limited) for a full award of costs against Halton Borough Council.
 - The appeal was against the refusal of planning permission for construction of 4 x 1 bedroom flats in a two story building.
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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 applicant submits that the Council has acted unreasonably because it has made a decision which is not substantiated and has utilised vague, generalised and unsubstantiated assertions, it has disregarded the advice of Council Officers and made decisions which are inconsistent with national and local policy, it has not correctly applied the tests and judgment required by the National Planning Policy Framework (The Framework) and has used a Conservation Area Appraisal and Management Plan that is out of date and which was not widely available.
4. In response, the Council has stated that they have provided justified reasons for refusal, that the Planning Committee had the authority to disregard Officer advice if they had sound justification for doing so, that they considered that the Conservation Area Appraisal and Management Plan had sufficient weight on which to construct a reasoned refusal of the application and that the applicant was supplied with a copy of the appraisal prior to the appeal.
5. Whilst I accept that it will have been frustrating to the applicant that the Council Members took a different view to that which was recommended by their Officers, they were entitled to take this course of action and it does not represent unreasonable behaviour.
6. The Council's reason for refusal sets out 6 areas of specific concern, framed around the central concern that the proposed development would cause harm to the character and appearance of the Halton Conservation Area (CA). In this respect, the Council has clearly outlined its concerns in its reasons for refusal

and in its subsequent appeal statement. I have addressed these matters in my decision and I too have found that harm would arise to the CA. Whilst I have not agreed with the Council that there would be harm to Halton Castle and precedent is not a matter which I can give weight to in my determination of the appeal, nonetheless I have shared the thrust of the Council's concerns about the impact upon the CA that would arise from the proposed development. The Council has therefore not acted unreasonably in setting out its reason for refusal.

7. Whilst there is dispute between the parties with respect to the status of the Conservation Area Appraisal and Management Plan, this has not been a decisive document in my reaching of a conclusion on the impact of the proposal. The Council's reason for refusal refers to the relevant development plan policies and to the most relevant section of The Framework, including with regard to public benefits. In this respect therefore, they have substantiated their reason for refusal against the development plan and other material considerations. Accordingly, there is no unreasonable behaviour in these respects either.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for costs fails.

Graham Wraight

INSPECTOR