
Costs Decisions

Site visit made on 7 July 2020

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Costs application in relation to Appeal Ref: APP/R0660/W/20/3248007 Ollerton Hall and Ollerton End, Potts Lane, Ollerton WA16 8SF

- 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 & Mrs Murray for a full award of costs against Cheshire East Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for reconfiguration of two dwellings to create a single dwelling with ancillary accommodation, internal and external restoration and repairs (including windows and doors), minor alterations, single storey 'link' extension, replacement garage, tractor store, re-positioned access, partial demolition, together with associated landscape works.
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Costs application in relation to Appeal Ref: APP/R0660/Y/20/3248008 Ollerton Hall and Ollerton End, Potts Lane, Ollerton WA16 8SF

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Murray for a full award of costs against Cheshire East Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for listed building consent for reconfiguration of two dwellings to create a single dwelling with ancillary accommodation, internal and external restoration and repairs (including windows and doors), minor alterations, single storey 'link' extension, replacement garage, tractor store, re-positioned access, partial demolition, together with associated landscape works.
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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's costs claim largely focusses on unreasonable behaviour on the part of the Council during the application process. As set out in the PPG costs can only be awarded in relation to unnecessary or wasted expense at the appeal. Awards against a local planning authority may be either procedural,

relating to the appeal process, or substantive, relating to the planning merits of the appeal. There is nothing before me to suggest that the Council acted unreasonably at the appeal stage.

4. Notwithstanding the above, behaviour and actions at the time of the planning application can be taken into account in considering whether or not to award costs. It appears from the appellant's submissions that the Council made them aware of the delay in receiving heritage comments which were clearly necessary for the Council to make their decision given the nature of the applications. It will also be seen from my decision that I consider that there were substantive reasons to justify refusing planning permission, therefore better communication with the appellant would not have enabled the appeal to be avoided altogether.
5. Consequently, I do not find that the Council acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated.

Hayley Butcher

INSPECTOR