
Costs Decision

Site visit made on 3 July 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

**Costs application in relation to Appeal Ref: APP/R0660/W/20/3249344
Land adjacent to Puddle Bank Lane, Approximately 225m north-east of
Brook House Farm House, Astbury, Cheshire CW12 3NW**

- 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 Jason Scott for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for fencing at field entrance and crushed-stone surfacing to access track and to front of consented agricultural building.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant contends that the Council's decision was based on an incorrect understanding and a flawed assessment of the application proposals. In particular, the applicant has suggested that area of the site edged in red on the submitted plans is smaller than that referred to in the officer report. The Council has accepted that there are some inaccuracies in the report, however there appears to be no disagreement between the parties that the area of the proposed area of hardstanding would be 518m², which is referred to in the Council's decision notice. I am satisfied from the documents provided that the Council understood the proposals, including the reduced area of hardsurfacing, and that its decision was based on that understanding.
4. The planning officer's report made reference to two access points in the description of site context, which the applicant states is incorrect and misleading. Whilst this may have been an error, it is not repeated elsewhere in the Council's evidence, and there is nothing to suggest that consideration of any additional access influenced the decision.
5. The original blue edged plan which was submitted with the application was incorrect, as has been acknowledged by the applicant. Whilst recent development proposals on the land between the site and Brook House Farm House are not relevant to the appeal proposal, the concerns expressed by the Council about the extent of the wider agricultural unit are understandable,

having regard to the planning history of the site. However, there is nothing in the officer report to suggest that this issue was determinative in the Council's decision.

6. I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified and the application for costs is refused.

R Morgan

INSPECTOR