



Costs Decision

Site visit made on 6 January 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Costs application in relation to Appeal Ref: APP/W4325/W/20/3253505 22 Farr Hall Drive, Heswall CH60 4SH

- 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 Blennerhassett of HH Heswall Limited for a full award of costs against Wirral Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works.
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Decision

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

Reasons

2. Paragraph 030 of 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. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal; and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The appellant has stated that they have worked proactively by seeking pre-application advice and working with Council Officers throughout the process, resulting in the submission of numerous amended plans. It is claimed that the Council only indicated that there were issues over design and it was a surprise to the appellant when the refusal reasons related to character and amenity. The appellant considers for these reasons the Council acted unreasonably.
5. Irrespective of there being no material change in planning policy, the Council are not bound by the advice they offer during the pre-application procedure, when they reach a decision on a planning application which has been subject to statutory consultation. I note that there has been substantial dialogue between the appellant and Council Officers which is evidenced in the "Exchange of Key Correspondence in Chronological Order" document. This document also

highlights that the Council had on numerous occasions raised concerns on the proposals effect on character and living conditions of neighbouring occupiers.

6. I accept that delays in issuing a decision would be frustrating for the appellant however, it appears from the evidence before me that the Council allowed time for the scheme to be amended to try and overcome the Council's concerns. There is no compelling evidence to suggest that the Council have deliberately delayed the issuing of a decision.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Chris Baxter

INSPECTOR