



Costs Decision

Site visit made on 23 November 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Costs application in relation to Appeal Ref: APP/D0650/W/20/3258060 Land to the South East Corner of Harefield Cottage Water Gardens, Warrington Road, Rainhill L35 6PG

- 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 D Williams for a full award of costs against Halton Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a single storey detached dwelling, with access off Warrington road, following the demolition of the existing poly tunnel building, the removal of the storage container and the cessation of the commercial use of the land by Green World North West Limited.
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Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. 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. Costs may be awarded to any party regardless of the outcome of the appeal.
4. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes substantive matters such as 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.
5. The applicant's case for seeking an award of costs is grounded in substantive matters, namely that they feel the Council made an inaccurate assertion that the business use of Green World North West Ltd may be relocated within the site within the site and that the application was determined without any site visit.
6. From the information before me, it appears that there is some contradiction between statements that have been submitted by the applicant in the past

regarding the relationship of the buildings on the appeal site to the Harefield Cottage Water Gardens to that stated now in relation to this appeal. Whatever, that relationship, given the use of the adjacent property, together with restrictions by way of planning conditions on the use of its car park, there is no substantive evidence before me to suggest that even if use on the appeal site were relocated that it would not require planning permission to do so or, given the configuration and form of the adjacent site, that it would cause material harm.

7. Even if this were to be considered unreasonable behaviour, this is but a small aspect of the Council's overall case for refusal. Consequently, the applicant would have still needed to submit an appeal and there has been no unnecessary or wasted expenditure in this regard.
8. Without a site visit, the appellant contends, a full assessment of the harm to the green belt could not have been undertaken as the appeal site cannot be viewed from public vantage points.
9. The Council, in its report, states that due to Covid restrictions at the time, the plans and photographs submitted with the application and the detailed knowledge the officers had of the site, meant that in this case a site visit was not necessary. The report explains that in determining the application the main issue was one of whether the development was in conformity with established green belt policy. I appreciate the applicant's comments questioning whether officers did have a detailed knowledge of the site due to errors on previous reports. However, the report and reasons for refusal are clear and not expressed in generalised terms. They were arrived at following a detailed analysis of the policy position, effects of the proposal and the supporting information, including photographs, submitted by the appellant.
10. Whilst a site visit would have been desirable, due to Covid restrictions in place at the time it was not possible. The Council's prior knowledge of the site and information submitted with the application, enabled it to come to a fully reasoned decision on the application and in a timely manner.
11. Therefore, insofar as it relates to the effects of the development on the Green Belt, the Council has fully substantiated its reason for refusal with reference to relevant policy and other material considerations and based on an objective analysis of the proposal's impact. I therefore conclude that the Council has not behaved unreasonably in the terms of the PPG, and that its actions have not led to an appeal which could otherwise have been avoided.
12. Consequently, the matter was one of a fundamental disagreement between the parties which could have only been resolved by way of an appeal. As such unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified.
13. For this reason and taking into account all other matters raised, I recommend that the application for costs is refused.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Zoe Raygen

INSPECTOR