



Costs Decision

Site visit made on 28 May 2021

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 07 June 2021

Costs application in relation to Appeal Ref: APP/A0665/X/20/3264895 Grove House, Village Lane, Whitley, Northwich WA4 4EJ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr D Rogers for a full award of costs against Cheshire West & Chester Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the construction of an outbuilding and garden walls.
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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 application is made on the following grounds:– preventing or delaying development which should clearly be permitted; failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and not determining similar cases in a consistent manner.
4. The Council explained why it considered the application should not succeed. It examined the submitted factual evidence, the history and planning status of the site in question and applied relevant law or judicial authority to the circumstances of the case. Although I disagreed with the Council's conclusion, I do not consider that its decision and underpinning reasoning was without foundation. Although there was no appeal statement, the Officer report was sufficiently detailed and provided clear reasons for the decision.
5. The Council did not comment on the appellant's reference to what were considered to be similar applications, in which the Council took a different view. Whether a building is required for an incidental purpose will depend on a fact and degree assessment and decisions are taken on a case by case basis. There is no evidence to suggest the Council took an inconsistent approach to determining the application.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Debbie Moore Inspector