



Costs Decision

Site visit made on 21 September 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Costs application in relation to Appeal Ref: APP/R0660/W/21/3274811 Sunny Oak Caravan Site, Whitchurch Road, Wirswall SY13 4JJ

- 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 Thompson for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for the siting of 25no. holiday lodges.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG
4. The applicant states that the unreasonable behaviour of the LPA with regard to its consideration of the submitted Flood Risk Assessment (FRA) has resulted in the expense of preparing the appeal and that the LPA has failed to provide any substantive evidence to support the reason for refusal. In addition, the LPA have contradicted the responses of consultees and ignored technical advice.
5. The Council states that it had acknowledged the consultation responses, but the assessment is for the case officer to undertake, and the LPA has found the application contrary to planning policy.
6. In this case I have noted the decision of the Council's officers, and while I may have reached a different conclusion, the decision is a matter of planning judgement. Despite the recommendations of consultees, the Council took all matters into consideration and felt that the application did not meet the policies set out in the Development Plan.
7. I find that the Council's reason for refusal is complete, precise, specific and relevant to the application. It clearly states the policies of the Development Plan and all other relevant matters that the proposal would conflict with.

8. The reason for refusal is adequately substantiated by the Council in the appeal statement, and they have exercised their planning judgement. I may disagree with the Council that the proposal does not comply with policy, but I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.
9. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
10. Whilst I appreciate that I have reached a different decision from the Council, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
11. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated and for this reason, an award of costs is therefore not justified.

Paul Cooper

INSPECTOR