
Costs Decision

Site visit made on 14 December 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 February 2022

Costs application in relation to Appeal Ref: APP/R0660/W/21/3278797 Green Lane Farm, Green Lane, Bollington SK10 5LG

- 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 Ian Cooper for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for the demolition of existing dwelling and construction of a new dwelling.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process. The type of behaviour that can lead to a costs award includes substantive matters such as unreasonably refusing a planning application.
3. The applicant considers the LPA made a number of factual errors in the assessment of the appeal application. However, issues relating to the change in the relationship between the farmhouse and the rest of the farmstead, and the character of the replacement dwelling compared to the existing house are matters of judgement.
4. It has further been raised by the applicant with reference to case law¹ that the LPA's judgement was flawed in relation to assessing Green Belt harm and that it cannot rationally be considered that the proposed development would give rise to harm on heritage grounds. I agree with the applicant that the LPA's assessment could have been clearer, particularly as they have now clarified that their refusal related in part to character and design grounds rather than heritage. However, having taken into consideration the LPA's Officers' Delegated Report, I consider the Council has applied an adequate level of reasoning to justify its stance in relation to character and appearance and Green Belt matters. As the Council has highlighted, it was common ground that the proposal was inappropriate development, would harm the openness of the Green Belt and therefore be contrary to a number of policies.
5. The Council, in considering the harm arising from the appeal proposal and other considerations advanced by the applicant, was entitled to exercise its

¹ Sefton MBC v SoSHCLG and Jerry Doherty: [2021] EWHC 1082 (Admin)

planning judgement as it saw fit. Although I do not share the Council's overall assessment of the appeal proposal, I do not consider they acted unreasonably by making vague, generalised or inaccurate assertions.

Conclusion

6. With the above in mind, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified in this instance.

F Rafiq

INSPECTOR