



Costs Decision

Site visit made on 23 February 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2022

Costs application in relation to Appeal Ref: APP/R0660/D/22/3290321 The Coach House, 1 Flash Lane, Bollington SK10 5AQ

- 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 Mrs Esther Williams for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for ground floor and first floor extensions and alterations.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary and wasted expense in the appeal process. Costs cannot be claimed for the period during the determination of the planning application although behaviour and actions at the time of the planning application can be taken into account in my consideration of whether or not costs should be awarded.
3. The applicant's case for seeking an award of costs is grounded in substantive matters. Specifically, they consider that the Council prevented development which should have been permitted, having misinterpreted its own development plan policies and, linked to this, the applicant states that the Council has not determined cases in a consistent manner.
4. Within its officer report the Council objectively evaluated and considered the merits of the proposal, having regard to the relevant policies within the development plan and guidance within the National Planning Policy Framework (the Framework). The Council set out that it afforded limited weight to the exceptions of Policy GC12 of the Macclesfield Borough Local Plan (January 2004) (the MBLP).
5. The application of this policy was identified through its interpretation of its relationship with other development plan policies and the Framework. This involved an overall conclusion on whether or not the proposal would be disproportionate in its totality. As I have found in my decision, although it may not be explicitly laid out in each example provided by the applicant, it is clear that in those cases the Council and previous Inspectors based their assessment

against the overall requirement of the policy which is to ensure extensions are not disproportionate, regardless of whether they meet the exceptions or not.

6. It is indicated in the examples and the Council's officer report for the appeal proposal that the exceptions of MBLP Policy GC12 do not necessarily lift all restrictions on the size of extensions to buildings in the Green Belt. The previous decisions identify that the exceptions of the policy provide a mechanism by which extensions may be assessed although it is not the definitive test. To do so would be illogical and consideration must still be given to other factors. Therefore, even affording the policy full weight does not mean that all extensions would be permitted provided they satisfy one of the exceptions.
7. Moreover, although the examples referenced by the applicant concern extensions in the Green Belt and involve the assessment against MBLP Policy GC12, that is not to say that they are therefore like-for-like cases. It is well established that each proposal should be determined on its own merits, taking into consideration the circumstances of the development, the context of the site and any other material considerations. I am not convinced that the examples are truly comparable in every sense. The evidence does not therefore indicate that the Council failed to determine cases in a consistent manner.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A claim for costs is not therefore justified and accordingly it is refused.

H Ellison
INSPECTOR