



Costs Decision

Hearing (Virtual) held on 22 February 2022

Site visit made on 23 February 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Costs application in relation to Appeal Ref: APP/A0665/W/21/3282557 Brook Farm, Hollowmoor Heath, Barrow, Chester CH3 7LF

- 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 Wilson for a full award of costs against Cheshire West and Chester Council.
 - The appeal was against the refusal of planning permission for farm managers dwelling, farm office and detached garage.
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Decision

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

Reasons

2. The Planning Practice Guidance advises (PPG) 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. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities. The applicants contend that the Council have sought to restrict the size of the proposed dwelling using arbitrary limits and an over-reliance upon providing affordable housing rather than assessing the functional need of the proposed development.
4. Local Plan policies do not prescribe an upper limit on the size of rural workers dwelling, but rather they state that proposals should be commensurate with the established functional requirement of the enterprise. The policies also indicate that when there is no longer a functional need for the dwelling it will remain as affordable housing reflecting the different types of need there may be.
5. I acknowledge that the Council have made reference to the dwelling being no greater than 100m². However, based on the evidence before me I am not persuaded that the Council has been inflexible in its approach to the size of the proposed development or that they have been disproportionately focused on the provision of affordable housing. Ultimately, the decision is one which is a matter of planning judgement, based on the merits of the scheme before them.
6. As seen from my decision I have found that the Council had reasonable concerns regarding the size of the proposed dwelling and justified its decision in relation to this matter and the impact on the character and appearance of

the area. Based on the evidence provided the Council have substantiated its position on appeal rather than vague, generalised or inaccurate assertions.

7. At the hearing Council Officers confirmed that the examples of house sizes submitted were there to provide context to the development proposals rather than to indicate an upper limit to the size of development. As such, I am satisfied that reference to these examples has not fettered the Council's assessment of the proposed development.
8. As a result, it follows that I do not agree that the Council has given undue weight to limiting the size of the dwelling, the provision of affordable housing or acted unreasonably in this case given the concerns relating to the proposal.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR