
Costs Decision

Site visit made on 3 May 2022

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 11 May 2022

Costs application in relation to Appeal Ref: APP/R0660/W/21/3288566 Land on the North side of 12 Bedells Lane, Wilmslow SK9 5HY

- 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 P E Ratcliffe for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for the demolition of two domestic garages and the erection of one detached dwelling with two parking spaces and alterations to existing access.
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Decision

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

Reasons

2. The *Planning Practice Guide* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals, and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
3. The application for an award of costs is made on substantive grounds. The applicant claims the Council has made inaccurate assertions about the proposal's impact which is unsupported by objective analysis. The PPG indicates that, in such circumstances, costs may be awarded against an authority.
4. The application had a single reason for refusal which relates to the impact the proposal would have on the character and appearance of the area. The reason for refusal sets out the development plan policies to which the Council considered the scheme would be contrary. It also indicates that it would conflict with section 12 of the *National Planning Policy Framework* and both the national and local design guides.
5. As detailed in my appeal decision, I have found that the proposal would be acceptable in terms of its impact on the character and appearance of the area. However, I recognise that in such matters, consideration of planning applications and appeals can involve matters that are finely balanced and are primarily a matter of judgement.
6. The Council have not provided an appeal statement as they considered that the delegated report for the application adequately set out their reasoning for refusing the application. This delegated report sets out why they consider that

the scale of the proposed house is not appropriate. For example, it sets out the dimensions of the proposed dwelling and compares this to other dwellings surrounding the site, concluding that it would appear overly dominant in relation to the single storey and two storey dwellings to the north. The report also sets out why they consider the proportions of the proposal would be out of keeping despite the presence of the town houses on the southern side of the site.

7. The delegated report does not specifically mention that there is a complex of 4 storey apartments opposite the site. Nonetheless, it is clear that a site visit was undertaken by the Officer and from this they would have been aware of the wider surroundings, irrespective of what the photographs from the site visit focus on.
8. The delegated report shows that in the Council's opinion, it was the relationship with the buildings on the same side of the road, rather than the relationship with the buildings opposite that were the most important in determining the acceptability or otherwise of the proposal. As outlined above the report sets out substantive reasoning for why the proposal would be detrimental in this regard.
9. Whilst the applicant may not agree with the Council's reasoning and conclusion, and I have come to a different conclusion in this regard, this does not mean the Council have behaved unreasonably.
10. Concern has also been raised that the reason for refusal refers to policies that do not provide specific guidance on the issue of scale. The reason for refusal refers to 3 policies – 2 from the *Cheshire East Local Plan Strategy (adopted July 2017)* and one from the *Wilmslow Neighbourhood Plan (made November 2019)*, as well as to national and local design guides.
11. Both Policies SD2 and H2 mention scale, as do the design guides. Whilst Policy SE1 may not specifically refer to the scale of proposals in the policy, it does in paragraph 13.9 of the supporting text. Moreover, the policy is specifically concerned with the design of developments and ensuring they make a positive contribution to their surroundings. Scale is one aspect of good design as highlighted by the *National Design Guide*. As such, the Council have not acted unreasonably in referring to this policy as it is relevant to the assessment of the proposal.
12. All in all, although in this case I have found against the Council, I am satisfied that they have met their obligation to give proper consideration to the planning application and have justified their approach. Whilst the appellant may not agree with the Council's conclusions it does not mean that they acted unreasonably in coming to this conclusion.
13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and thus an award of costs is not justified.

Alison Partington

INSPECTOR