



Costs Decision

Site visit made on 4 May 2022

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Costs application in relation to Appeal Ref: APP/R0660/W/21/3288817 Trigfa, School Lane, Bunbury CW6 9NR

- 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 Gary Hitchmough for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for a proposed 5 bedroom detached dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The applicant submits that the Council's reason for refusal was not suitably justified, included a matter which complied with the relevant policies, and included non-planning matters. The applicant also submits that the decision was inconsistent with others made by the Council and that relevant policies were not brought to their attention prior to the decision. In this way the Council acted in an unreasonable way which caused unnecessary or wasted expense at appeal.
4. In issues relating to matters of character and appearance there is often a strong degree of judgement employed and the matters raised by the Council related to issues where there was a reasonable potential for difference of opinion. Moreover, the Council's delegated report and decision notice set out the perceived harm to the character and appearance of the surrounding area and street scene and justified these against the development plan. Namely by way of reference to Policies SE1, SD1 and SD2 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030, Policies H2 and H3 of the Bunbury Neighbourhood Plan 2015-2030 and the guidance contained within the Cheshire East Borough Design Guide Supplementary Planning Document and the Bunbury Village Design Statement. Whilst I found differently to the Council; that there would not be conflict with the development plan, I am satisfied that

it substantiated its reasons for refusing the planning application. In this way the Council's decision was justified and not unreasonable.

5. Although private views are not usually a planning matter, the Council's case related to public views which are a planning matter and, can contribute towards the character and appearance of an area. Moreover, whilst sufficient parking provision may be proposed, this does not preclude it from being assessed for the parking's effect on character and appearance.
6. From the information available to me, and as all proposals need to be considered on their own merit, I find that the Council's decision in respect of the appeal proposal was not inconsistent with other decisions brought to my attention, namely the two examples on Whitchurch Road. Furthermore, although the Council may not have referred to all the relevant policies or development plan documents in communications during the application, this does not preclude their use in the Council's decision.
7. In light of the above, I consider that the Council did not act unreasonably in their decision making and that the decision was justified against the relevant policies. Whilst I found in favour of the applicant, I consider that the Council did not act unreasonably in refusing the planning application and therefore the work undertaken by the applicant, involved in defending the appeal, was necessary and therefore not a wasted expense.

Decision

8. In light of the foregoing, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I find that an award of costs would not be justified in this case.

Samuel Watson

INSPECTOR