

## Costs Decision

Site visit made on 5 May 2022

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 June 2022**

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### **Costs Application in relation to Appeal Ref: APP/A0665/D/22/3294788 4 St. Georges Way, Northwich CW9 8XG**

- 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 and Mrs K and C Murray for a full award of costs against Cheshire West and Chester Council.
  - The appeal was made against the refusal of planning permission for the following proposed development: "Convert part of existing garage to reception room, first floor bedroom extension over existing garage, single storey rear extension to garage".
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### **Formal Decision**

1. I refuse the application for an award of costs against Cheshire West and Chester Council.

### **Submissions on behalf of Mr and Mrs K and C Murray (the Appellants)**

2. The appellants argue that the Council's reason for refusal, as set out in the decision notice, was "confused imprecise and incoherent" and that the application had not been properly assessed in accordance with planning policies and supplementary planning guidance. It is pointed out that supplementary planning guidance specifically allows for extensions to the front of dwellings and attention is drawn to other case where such extensions have been permitted.
3. Attention is also drawn to the long delay in determining the planning application.
4. In consequence, the appellants argue that the appeal ought not to have been necessary and claim the entire costs of the appeal. It is also stated that additional expense has also been incurred in the submission of a second planning application relating to the ground floor alterations only.

### **Submissions by Cheshire West and Chester Council**

5. The Council have not responded to the application for costs but have relied on their refusal notice and "delegated report", which were submitted in respect of the appeal itself.

### **Reasons**

6. The 'Planning Practice Guidance' advises 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.
7. I am aware that the application for costs relates to unnecessary or wasted expense in the appeal proceeding, as distinct from the application process (or a subsequent application). Thus, the Council's slowness in dealing with the original planning application does not affect my conclusions on the application for the costs of the subsequent appeal.
8. The Council's reason for refusal identified an objection to the design of the proposed alterations to the garage roof at the front of the house, specifically by reference to Policies in the Development Plan. The "delegated report" on the application expanded on the concerns raised and provided a coherent and rational critique of the design. Essentially, it criticised the perceived "excessive massing" that would be created by the scheme.
9. The Council's report distinguished between the appeal scheme and other projects that had been referred to and pointed out that applications are to be determined on the merits of the individual case. I accept that reference to other examples is of limited relevance to this appeal.
10. In this appeal, I have not shared the Council's concerns about the design of the proposed alterations and extensions and I have allowed the appeal, in consequence. Nevertheless, design appraisals frequently involve a degree of subjectivity and I accept that a reasonable submission has been presented, to justify the Council's decision.
11. I have had regard to the guidance contained in the 'Planning Practice Guidance' (including the guidance given in respect of the local planning authority's handling of the planning application) and in my opinion, the weaknesses in the Council's case have not been of such a nature as to amount to unreasonable behaviour, bearing in mind the principle that the parties to a planning appeal normally meet their own expenses.
12. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated and I have refused the application for costs against Cheshire West and Chester Council.

*RC Shrimplin*

INSPECTOR