



Costs Decision

Site visit made on 26 July 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Costs application in relation to Appeal Ref: APP/R0660/D/22/3295003 Shayes Farm, Pexhill Road, Gawsworth, SK11 9PZ

- 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 Alan Vickery against the decision of Cheshire East Council.
 - The appeal was against the refusal of a double storey rear extension and boundary treatment.
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Decision

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

Reasons

2. 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.
3. The appellant considers that the Council has behaved unreasonably by failing to upload documents to its application website; by not taking account of material considerations; by failing to discuss the application in a pro-active manner; and by delaying the determination of the application.
4. The Council accepts that it did not upload information to its website. The error was corrected when the appellant pointed out to the Council that the information was not on the website, after the application was determined. I note that this was an error, but that it does not amount to unreasonable behaviour.
5. The appellant considers that the Council did not take account of material considerations. In this regard, I note that all of the information submitted to the Council was available for consideration. In considering this appeal I have taken the case officer's report into account. It provides clear reasoning for the recommendation to refuse, with reference to adopted planning policies.
6. The appellant considers that the Council should have used a different basis to consider whether or not the proposal would result in "disproportionate" development. However, the case officer's report took relevant adopted policies into account. Whilst the appellant considers that an emerging policy supported his proposal there was no requirement for the case officer at the time of writing his report to take the same view. In this regard, I note the Council's point that, at the time of the application decision, the post-hearing

comments of the Inspector in respect of the emerging plan's examination hearings had not been received.

7. Notwithstanding the above, there is nothing to lead me to the conclusion that the Council would have taken a contrary view had the emerging plan been more advanced. In fact, in its submission, the Council has stated that in its view, the proposal would, in any case, be contrary to emerging policy.
8. The Council's officer's report states that "any amendments to bring the application into an approvable condition would not be possible without significantly altering the proposal of this application." In the light of this, it is not apparent to me that proactive discussions would have changed the outcome of the Council's decision.
9. I also note the long timeframe associated with the determination of the planning application. This is unfortunate but the Council's suggestion that this has resulted from the impacts of covid-19 and an increase in planning submissions is not unreasonable.
10. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N McGurk

INSPECTOR