



Costs Decision

Site visit made on 25 January 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Costs application in relation to Appeal Ref: APP/M0655/W/22/3300833 Higher Oak Farm, Higher Lane, Lymm, Warrington WA13 0RG

- 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 K Robertson for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal planning permission for an agricultural workers dwelling (permanent).
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 applicant considers that the Council behaved unreasonably by basing its assessment of the scale of the proposal by comparing it to the existing temporary dwelling on site.
4. I note that the Council made clear and direct comparisons between the proposal and the existing temporary dwelling. However, it seems to me that this was simply for comparative purposes and to indicate that a dwelling of the size proposed may not be the minimum required to satisfy the needs of the enterprise. I consider that this does not suggest that it was the Council's intention to restrict the size of the proposed dwelling to that of the existing temporary dwelling. Rather this was used to indicate that justification was required as to why the dwelling was of the size proposed.
5. From the evidence submitted by the Council, it is clear that it comprehensively considered the proposed development against relevant national and local planning policies. It also took into consideration all relevant matters and carried out a clear balance. I therefore consider that the Council did not make its sole basis of its assessment by comparing it to the existing temporary dwelling and thus it did not misdirect itself in this regard.
6. Taking all the above into consideration, I therefore conclude that it has not been demonstrated that the Council behaved unreasonably which resulted in unnecessary or wasted expense. The costs application should therefore fail and no award is made.

H Ellison INSPECTOR