



Costs Decision

Site visit made on 5 December 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Costs application in relation to Appeal Ref: APP/R0660/W/23/3323267 Wilmslow Manor Care Home, 51 Handforth Road, Wilmslow SK9 2LX

- 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 J P Singleton of Newcare (Handforth) Ltd for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for three-storey side extension to existing care home to provide an additional three bedrooms.
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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 (PPG) 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 submits that the Council's decision was unfounded and made for political reasons rather than against the policies of the development plan and that, as a result, the Council acted unreasonably, causing wasted expense at appeal.
4. Elected member of the Council are entitled to reach a different decision to that reached, under delegated powers, by the Council's officers. The Chief Planning Officer's report forms a recommendation for the Council's members but cannot bind them in their considerations. No substantive evidence has been provided to demonstrate that the decision was biased or made for political reasons. Moreover, I find that the substitution of a committee member was not untoward.
5. In issues relating to matters of character and appearance, and living conditions, 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, and whilst I am mindful that the committee minutes are very brief, the minutes set out the perceived harm and the decision notice expands and justifies these against the development plan. Therefore, and whilst I found differently to the Council; in that there would not be a conflict with the development plan, I am satisfied that the Council substantiated its reasons for refusing the planning application. In this way the Council's decision was justified and not unreasonable.
6. I recognise that the proposal would provide specialist accommodation and that the development plan supports such accommodation where there is an

identified need. Although such a need has been demonstrated, this support does not preclude the Council from refusing an application should it conflict with the development plan in other ways.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Samuel Watson

INSPECTOR