

Costs Decision

Hearing held on 5 December 2023

Site visit made on 5 December 2023

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/R0660/W/23/3316272

2-4 Gatefield Street, Crewe, CW1 2JP

- 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 Yates against the decision of Cheshire East Council.
 - The appeal was against the refusal of planning permission for a proposal described as the 'demolition of existing building and erection of a residential block of flats'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) is clear that costs may only be awarded against a party who has acted unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally, the PPG is clear that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
 3. The appellant's claim is that the Council acted unreasonably by way of changing their stance in relation to the demolition of the building after initially setting out that it was not worthy of retention in pre-application correspondence. They argue that this has caused additional delays, work, and expense for them during the consideration and determination of the planning application which led to the submission of the appeal. The Council provided a decision notice and delegated report which clearly set out their position, which the appellant sought to appeal against.
 4. I am mindful that the PPG states that the behaviour and actions at the time of the planning application can be taken into account in consideration of whether or not costs should be awarded. Therefore, I have a degree of sympathy for the appellant in that it is clear from the evidence before me that the Council did change their position from that at the pre-application stage. However, pre-application advice is not binding on the Council, and this was made clear within the
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correspondence. Furthermore, I consider that the additional work carried out by the appellant for the planning application was necessary to fully examine the heritage implications of the scheme. Therefore, whilst I have found in favour of the appellant in terms of the appeal decision; based on the information before me there is no substantive evidence that demonstrates that the Council have behaved unreasonably in relation to their consideration of the planning application.

5. In conclusion I find that it has not been demonstrated that the Council behaved unreasonably in their consideration and determination of the planning application and that the appellant's costs in mounting the appeal were not unnecessarily incurred. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Jameson Bridgwater

INSPECTOR