



Costs Decision

Site visit made on 19 February 2024

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2024

Costs application in relation to Appeal Ref: APP/A0665/X/23/3328829 Pear Tree Cottage, Barnhouse Lane, Barrow, Chester CH3 7JY

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Drs Sion and Kate Crabtree for a full award of costs against Cheshire West and Chester Council.
 - The appeal was against the refusal of a certificate of lawful use or development for garden land ancillary to the main dwelling known as Pear Tree Cottage.
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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 appellants contend the Council refused to meet with them and engage in dialogue, which has resulted in them misunderstanding the evidence submitted in support of the appeal and the legal position relating to it.
4. The Council's reason for the refusal of the certificate is set out in the Decision Notice and elaborated upon in their Delegated Report, which adequately consider all the relevant evidence available to them at the time the decision was made. There is no evidence they misapplied any relevant case law in its determination of the application.
5. The Council referred to the use of the land for cattle grazing in their Delegated Report. Nevertheless, they note the conflicting evidence regarding this matter and that it is 'not possible to draw definite conclusions' on it. Therefore, it appears the Council did not behave unreasonably in its consideration of this matter.
6. Whilst I appreciate the appellants do not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
7. There is no evidence before me that had a meeting taken place and further dialogue held prior to the Council determination of the application the outcome of the decision would have been any different. Even in light of the additional documentation submitted with the appeal, the Council maintain their position that the certificate should be refused.

Conclusion

8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

A Walker

INSPECTOR