



Costs Decision

Hearing Held on 2 July 2024

Site visit made on 2 July 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2024

Costs application in relation to Appeal Ref: APP/A0665/W/24/3342086 The Barn & The Bungalow, Hollybush Inn, Warrington Road, Little Leigh, Cheshire CW8 4QY

- 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 Andrew for a full award of costs against Cheshire West & Chester Council.
 - The hearing was in connection with an appeal against the refusal of the Council to grant planning permission for change of use and external alterations to create short term lets (6 letting rooms with communal space) and associated self-contained owner / manager accommodation.
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Decision

1. The application for costs is refused.

The submissions for Mr Andrew

2. The reconfiguration of the letting accommodation will deliver clear benefits for the local area. The proposal would not undermine viability and could be a catalyst for the re-opening of the public house. The development is acceptable in terms of the impact on heritage assets.
3. The applicant stated that on the basis of the evidence submitted, there can be no doubt that the unreasonable refusal of planning permission has caused unnecessary expense.

The response by the Council

4. The applicant has not provided a detailed explanation of how the Council has behaved unreasonably in this case. Pre-application discussions were entered into, and issues were outlined at that stage. The opportunity was given to submit outstanding information and amended plans. A negative decision is not a reason to demonstrate how the Council behaved unreasonably.

Reasons

5. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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.
6. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.

7. In this instance, having reviewed the evidence and the timeline for the planning application, I find no area that the Council has behaved unreasonably. They have negotiated with the applicant through the process. They have produced full justification for their reasons for refusal.
8. I have found that the Council's concerns with regard to the information supporting the application were justified, albeit that my professional judgement was different from the Council in this instance.
9. Consequently, a refusal could be justified, and an appeal was necessary. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.
10. The application for an award of costs is refused.

Paul Cooper

INSPECTOR