



Costs Decision

Site visit made on 11 November 2024

by C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Land off Birtles Lane, Over Alderley, Cheshire, SK10 4RZ

Costs application in relation to Appeal Ref: APP/R0660/W/24/3345954

- 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 and Mrs Ceri Turner-Hill for a full award of costs against Cheshire East Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for erection of a single dwelling and private architectural studio including landscape enhancements and associated works.
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Decision

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

Reasons

2. The appellants have drawn my attention to events which took place before the Council issued its Appeal Statement. Amongst other things, this included a reluctance to allow the appellant to discuss the proposal with the Design Officer and an extension of time to enable late consultee comments. It is also argued that the Council decided its course of action without full consideration of the supporting information or the views of consultees.
3. However, many of these events took place while the application was still in the process of being determined. The Council only fixed its position upon publication of its Appeal Statement. The PPG advises that costs apply to unnecessary or wasted expense incurred during the appeal process rather than the application process.
4. I understand that the appellants were unaware that the Council would express concerns regarding the landscape impact of the proposal and so this came as a surprise. However, the Council was still in the process of determining the application when the appeal was made. As no formal Decision Notice had been issued, the Council was not bound by any particular course of action. It was therefore reasonable for the Council to raise landscape harm as an issue even though it had not been disclosed to the appellant previously.
5. The appellants argue that the Council placed too much emphasis on the views of the Landscape Officer and did not fully consider the other evidence that had been submitted in relation to this matter. However, these are largely matters of planning judgement which the Council is entitled to take its own view on. The Council's Appeal Statement sets out the reasons why there are landscape objections and is reasonably substantiated by evidence.
6. There are other matters which also involve planning judgement. This includes the effect of the proposal on the setting of the listed building, the issue of

whether the site is isolated, the weight given to the architectural merits of the proposal and whether 'very special circumstances' exist. While I recognise that the Council's Appeal Statement does not reference all the evidence submitted by the appellants in favour of the proposal, the Council nonetheless offers a reasonable justification for its position on these issues.

7. Overall, the appeal could not have been avoided even if the Council had determined the application on time. The Council's Appeal Statement indicates that the proposal would have been refused for a number of reasons. These reasons are all substantiated by evidence. Hence, this is not a case of preventing or delaying development which should clearly be permitted.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

C Cresswell

INSPECTOR