



Costs Decision

Site visit made on 21 November 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2024

Costs application in relation to Appeal Ref: APP/R0660/W/24/3345798 Land at Dark Lane, Gawsworth SK11 9QZ

- 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 Cheshire East Council for a full award of costs against Mr P Dean.
 - The appeal was against the refusal of planning permission for infill development of two detached bungalows.
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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 Council claims that the appellant has acted unreasonably in submitting this appeal as nothing has changed since the previous appeals¹ on this site were dismissed on the grounds that the proposal does not represent limited infilling. The Council contend that the site has always been in the Green Belt; the parameters of the appeal site are the same as those within the previously dismissed appeals; and the adoption of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) (SADPD) did not warrant the submission of a new application as any change to the settlement boundary has no substantive effect on the appeal proposal. The Council therefore consider there was no prospect of this appeal being successful.
4. Whilst I acknowledge the views of the Council, and have ultimately found in their favour in my determination of the appeal, I find that the adoption of the SADPD and the Gawsworth Neighbourhood Plan (2021) since the previous appeals were determined provided a reasonable justification for a new planning application to be submitted by the appellant.
5. In refusing this application, the Council's Officer Report refers to specific conflict with SADPD Policy PG 10 criterion (iii) and given that the SADPD was adopted after the previous appeal decisions were determined, this is a new issue that was not previously considered as part of the previous appeals. I

¹ APP/R0660/W/17/3171643; APP/R0660/W/19/3236214; and APP/R0660/W/20/3261605

therefore acknowledge the appellant's comment that this appeal sought to contest the Council's view on this matter, as well as the other concerns raised.

6. Consequently, I do not consider the appellant's behaviour in submitting this appeal to be unreasonable.

Conclusion

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

R Major

INSPECTOR