



Costs Decision

Site visit made on 3 December 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Costs application in relation to Appeal Ref: APP/A0665/W/24/3348033 Ashwood Barn, Shay Lane, Kelsall, Cheshire CW6 0UT

- 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 Adam Thwaites for a full award of costs against Cheshire West and Chester Council.
 - The appeal was against the refusal of planning permission for access track and turning area for shed, plus minor design alterations.
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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 applicant submits that the Council failed to substantiate their reasons for refusal, were inconsistent in their decision-making and ultimately prevented development that should have been permitted. The applicant considers that this comprises unreasonable behaviour that has resulted in wasted expense for the applicant.
4. In issues relating to matters of openness, or character and appearance there is often a strong degree of judgement employed and the matters raised by the Council related to issues where there was a reasonable potential for difference of opinion. Moreover, the Council's delegated report and decision notice set out the perceived harm to the openness of the Green Belt and to the character and appearance of the surrounding area and landscape and justified these against the development plan. Whilst I found differently to the Council; that there would not be conflict with the development plan, I am satisfied that it substantiated its reasons for refusing the planning application. In this way the Council's decision was justified and not unreasonable.
5. From the information available to me, and as all proposals need to be considered on their own merit, I find that the Council's decision in respect of the appeal proposal was not inconsistent with other decisions brought to my attention, including permission references 21/03755/FUL and 21/02612/FUL.
6. I am mindful that the Council did not make a visit for the planning appeal associated with this application. They would not, therefore, have been able to see the track and turning area as they have been formed or the alterations to

the barn. I note however, that the Planning Officer had visited the site for previous schemes. I am content therefore that the officer would have had suitable understanding of the site and its context.

7. I am mindful that decisions are often made where a scheme has not been carried out and the decision-maker must make an assessment against the existing site and the submitted details. Therefore, although a site visit would have likely been beneficial to the Council's decision-making, I cannot be certain that it would have altered their determination of the planning application. As such, I find that the lack of a site visit was not unreasonable.
8. From the evidence before me, the Council suitably substantiated their reasons for refusal based on the evidence before them, a prior site visit and the development plan. Moreover, they were not inconsistent in their decision-making and so overall did not delay or prevent development that should clearly have been permitted. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Samuel Watson

INSPECTOR