



Costs Decision

Site visit made on 3 December 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Costs application in relation to Appeal Ref: APP/M0655/W/24/3346494 Mosswood Hall, Stretton Road, Warrington WA4 4NW

- 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 Pamela and Adamo Lau-Devoti for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for extension to residential property, detached swimming pool building, detached three bay garage.
-

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 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 applicants consider that the Council have acted unreasonably in presenting an unlawful solution to their aspiration to exercise control over permitted development rights. The applicants assert that their resistance to the completion of a planning obligation is the only reason that planning permission has been refused, notwithstanding that the expected obligation fails to meet the requirements of the National Planning Policy Framework (the Framework), in terms of the necessity and reasonableness of the requirements of the obligation. The applicants consider that had the Council adhered to the requirements of the Framework the appeal would have been unnecessary.
4. The Council considered that the greater scope of development confirmed by previous consents was sufficient to establish the existence of very special circumstances which would be necessary to make the development acceptable in the Green Belt. However, as it would be possible to implement both the appeal scheme alongside elements of the fallback position, a legal obligation was considered necessary to prevent the implementation of both the fallback and the appeal schemes, and to establish very special circumstances for development in the Green Belt.
5. It is evident from my appeal decision that I agree with the Council. Without a mechanism to prevent both schemes from proceeding there would be a greater loss of openness to the Green Belt than if just one scheme was to be implemented and the very special circumstances necessary to outweigh the harm to the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt would not be established.

6. It follows that I consider such a mechanism to be necessary and reasonable and that it would meet the requirements of the Framework.
7. The Council were clear early on in the process that they considered a legal agreement would be necessary and ultimately it was the applicants' decision not to sign it. I find that the Council have not acted unreasonably and has exercised its duty to determine planning applications in an appropriate manner.

Conclusion

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

L C Hughes

INSPECTOR