



Costs Decision

Site visit made on 20 January 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Costs application in relation to Appeal Ref: APP/R0660/W/24/3348773 20-20A Yorston Lodge Primary School, Bexton Road, Knutsford WA16 0DS

- 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 Hatton c/o Modern Unique Developments Ltd for a full award of costs against Cheshire East Council.
 - The application Ref is 23/4635M.
 - The appeal was against the demolition of school and construction of six dwellings and associated landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, 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's case for seeking an award of costs is centred on their concern that the Council gave no indication that the scheme would be refused planning permission having limited contact with them throughout the lifespan of the application. They also consider that the Council failed to take into account the St Johns Conservation Area Appraisal document and did not give sufficient weight to the benefits of the proposal, with the reason for refusal unsubstantiated.
4. I have had regard to an email trail which details some communications between the applicant and the Council. The applicant reasonably requested an update on their application, no response was received, necessitating a further email three weeks later. The timeliness of the Council in responding to the applicants various requests does not appear to be as prompt as it should have been.
5. Notwithstanding this, initial concerns raised from the heritage officer were shared with the applicant. The applicant then had an opportunity to amend the plans, updated plans were received and further comments were received from the heritage officer. As the Council had given the applicant opportunities to submit amended plans and additional information throughout the course of the application I find that they have demonstrated that they have worked proactively in accordance with paragraph 39 of the National Planning Policy Framework.
6. Whilst there was little time between the final comments from the heritage officer being published and the application being determined, a point of contention was

that the existing buildings were not being re-used. The applicants submissions set out that they considered it was not viable to do this. As such, this was a fundamental point of disagreement between the parties and would have been unlikely to have been resolved other than going to appeal.

7. Reference was made in the Officer Report to the St Johns Conservation Area Appraisal document. The Council explained that this was in draft form and had only been subject to limited scrutiny with no public consultation. The Council set out that this document therefore carried limited weight. This is not an unreasonable approach and does not indicate unreasonable behaviour.
8. The decision notice clearly explained why the application was refused. The Officer Report was detailed and explained the reasons why the application could not be supported, referencing the relevant Policies from the development plan. Whilst I appreciate that I have found the proposal acceptable and the appeal has been allowed, the Council were not unreasonable in coming to their decision and sound planning reasons were given for the refusal of the planning application against the relevant policies within the development plan. I thus do not consider that the reasons for refusal were unsubstantiated.
9. A comprehensive document outlining the benefits of the proposal was submitted by the applicant, it was not necessary for the officer report to detail a response on each of these. Whilst the appellant considers that the benefits of the scheme were not given sufficient consideration, the report did provide a brief summary of the benefits, clearly having had regard to them. In this case, the officer considered the benefits did not outweigh the identified harm. Whilst this is a point of disagreement, the weight to be ascribed to material considerations is ultimately a matter of planning judgement and does not amount to unreasonable behaviour.

Conclusion

10. Given my findings above, I consider that the applicant's time and expense in defending the appeal were a necessary part of the process. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. Therefore, the application for an award of costs is refused.

T Bennett

INSPECTOR