
Costs Decision

Site visit made on 20 January 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th February 2025

Costs application in relation to Appeal Ref: APP/A0665/W/24/3351913

Ivy Lodge Farm, Warrington Road, Comberbach, Northwich CW9 6AY

- 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 Eddie Walker for a full award of costs against Cheshire West and Chester Council.
 - The appeal was against the refusal of planning permission for a steel framed building.
-

Decision

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

Preliminary Matter

2. The costs application submitted by the applicant does not expressly state whether a full or partial award of costs is sought. However, by reason of the information contained within the costs application, I have interpreted the application as being an application for a full award of costs, and I have considered the costs application on that basis.

Reasons

3. 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.
4. The applicant asserts that the Council acted unreasonably by refusing to discuss the Green Belt test that would be applied to the proposal, not responding to the amended drawings submitted, not publishing the Officer Report, pre-determining the outcome of the application and not working in a positive and proactive way to improve economic, social and environmental conditions in the area.
5. In terms of the Green Belt test, the applicant queried how the test had been applied by the Council. The Council's response was that the full detail of how the test was applied would be set out in the Officer Report. The evidence suggests that the applicant indicated acceptance of the Council's response. Therefore, it cannot be fairly asserted that the Council refused to discuss the Green Belt test with the applicant.
6. While the Council did not provide a direct response to the amended drawings following their submission, they did respond to the applicant's email regarding the suggested open-sided design. In response, the Council was clear that their 'planning concerns related to the scale of the building and the impact of the

proposal on the Green Belt. The open-sided design would not overcome these concerns.'

7. The Council admits that the Officer Report was not published at the same time the Decision Notice was issued. However, this was rectified, and a copy of the report was also sent to the applicant on 4 October 2024, less than a month after their decision was issued.
8. The applicant contends that the Council has not acted proactively in the handling of the application. However, as suggested by the evidence before me, the Council provided opportunities to the applicant to provide further information in support of the application in emails dated 11 and 12 July 2024. Indeed, revised/additional plans were accepted and considered by the Council during its determination of the planning application.
9. In view of the above, and based on the evidence before me, I do not consider the Council predetermined the application. Instead, their decision was based on a recent site visit, the evidence submitted as part of the application and an assessment of the application against national and local planning policy and guidance.

Conclusion

10. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

U P Han

INSPECTOR