



Costs Decision

Site visit made on 21 January 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Costs application in relation to Appeal Ref: APP/A0665/W/24/3351877

2 Heath Lane, Barrow, Chester, Cheshire West and Chester CH3 7LL

- 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 David Johnstone for a full award of costs against Cheshire West and Chester Council.
 - The appeal was against the refusal of planning permission for replacement new dwelling.
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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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The application is made on the basis that the Council provided information that is shown to be manifestly inaccurate or untrue, prevented development which should clearly be permitted, failed to produce evidence to substantiate each reason for refusal and made vague, generalised or inaccurate assertions about the appeal schemes impact which was unsupported by any objective analysis.
5. The Council accepts that whilst the application form referenced cladding to be used on the walls and slates on the roof, the front elevation of the scheme would be predominantly rendered. The Council have not referred to Green Belt policy in its reason for refusal. The reference to materials that give a 'rustic feel' was in relation to the streetscape and surrounding character of the area. Nevertheless, whilst the description of materials by the Council did not fully reflect the materials on the plans, the Council did not refuse the development on the materials alone. The Council outlined its view that the appeal scheme would cause undue harm to the surrounding area as a consequence of the footprint of the dwelling as well as materials. It will be seen from my decision that I disagree with the Council, however this is a matter of planning judgement. Therefore, the Council did not behave unreasonably in their assessment of the application.

6. The Council have acknowledged its error in refusing the application based on the living conditions of neighbouring residents. Although, the reason for refusal was not contested at appeal, it would not have avoided the need for the appeal. Consequently, it does not result in unreasonable behaviour leading to unnecessary or wasted expense.

Conclusion

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

B Astley-Serougi

INSPECTOR