



Costs Decision

Site visit made on 4 March 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Costs application in relation to Appeal Ref: APP/M0655/W/24/3352224 340 Thelwall Lane, Warrington WA4 1NJ

- 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 Luke Perret for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for the retention of dwelling to the rear of 340 Thelwall Lane.
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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 has set out that the Council changed the description of development without authorisation and nor did it seek the submission of a new application form. However, as set out in the accompanying appeal decision, whilst I have not been provided with a written agreement from the applicant agreeing to the change, the additional fee requested by the Council was paid. The invalid letter made clear that this fee was for an application that sought the '*retention of a dwelling*'. A subsequent letter set out the revised description and that contact should be made with the Council if there was a disagreement with this. I have not been provided with evidence that confirms that any such contact was made during the consideration of the application that is subject of this appeal. Given these factors which confirm that the revised description was communicated between the main parties, I consider the requirement relating to agreeing an amendment to the description of development set out in the Planning Practice Guidance¹ has been satisfied.
4. Reference has also been made to the Council refusing to enter into dialogue with the applicant but the first correspondence relating to the revised description was post determination of the application subject of this appeal. There is little further information before me on this matter, but as an appeal would have been necessary, given that a decision had already been made, the applicant has not incurred unnecessary or wasted expense as a result of the lack of dialogue.

¹ Paragraph: 046 Reference ID: 14-046-20140306

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

F Rafiq

INSPECTOR