Planning Inspectorate

Costs Decision

Site visit made on 1 April 2025

by D Moore BSc (HONS), PGDip, MCD, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Costs application in relation to Appeal A Ref: APP/A0665/C/24/3347202
Land at Roughlow Farm, Tirley Lane, Willington, Cheshire CW6 0PG

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Clive Sykes for a full award of costs against Cheshire West and Chester Council.
- The appeal was against an enforcement notice alleging without planning permission, the creation of two agricultural tracks, one across the centre of the land in the approximate position marked between points ‘A’ and ‘B’ on the attached plan and one along the north west perimeter of the land in the approximate position marked between points ‘B’ and ‘C’ on the attached plan, plus a hardstanding area and wooden storage shed in the approximate position marked ‘D’ on the attached plan.

Appeal B Ref: APP/A0665/W/24/3354887
Roughlow Farm, Tirley Lane, Willington, Cheshire CW6 0PG

- 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 Clive Sykes for a full award of costs against Cheshire West and Chester Council.
- The appeal was against the refusal of planning permission for agricultural track (along centre of land) to agricultural building. Including hardstanding and revised access on to Tirley Lane.

Appeal C Ref: APP/A0665/W/24/3354889
Roughlow Farm, Tirley Lane, Willington, Cheshire CW6 0PG

- 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 Clive Sykes for a full award of costs against Cheshire West and Chester Council.
- The appeal was against the refusal of planning permission for agricultural track (along North West perimeter of land) to turning area. Hardstanding turning area and wooden storage shed for agricultural uses only.

Decision

1. The applications for an award of costs are 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 appellant claims that the conclusions reached by the Council regarding the visibility and prominence of the development are wrong and unjustified, and the Council failed to take account of information submitted with the planning applications. It is maintained that the appellant has been put to unnecessary expense in commissioning additional reports, and in making the appeals, as a consequence of the Council's unreasonable decision making.

4. The Council's assessment of the effect of the development on the character and appearance of the area was based on planning judgement. While I disagreed with its conclusion, the Council had a reasonable basis for its stance. It assessed the development against local plan policy and gave reasons for its decision, which were not wholly without foundation. It is apparent that the Council took account of the appellant's explanation of why the development was needed, but the officers were not persuaded by the reasoning. The information was not simply ignored.

5. It is argued that the Council misdirected itself on its assessment of whether there was a need for the development under local planning policy. My attention is drawn to an appeal in relation to a refusal to grant prior approval for an agricultural building. In that case, the Council was found to have misapplied the test of what is 'reasonably' necessary for agricultural purposes and costs were awarded. The appeals before me concern the application of development plan policy and the test is not strictly comparable. In this case, the Council's findings were not illogical. In any event, the Council's opposition to the development was not based entirely on this matter but also the effect of the development within the countryside.

6. The Council's assessment of whether or not parts of the development were 'permitted development' was convoluted but its conclusions on this matter were not ultimately unsound, as suggested.

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

D Moore

Inspector