



Costs Decision

Site visit made on 29 April 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2025

Costs application in relation to Appeal Ref: APP/M0655/D/25/3360847

68 Kingsley Drive, Appleton, Warrington WA4 5AF

- 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 M Pimlott for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for erection of a boundary treatment at 68 Kingsley Drive, Appleton.
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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 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's costs application is made on two grounds, one procedural and the other relating to substantive matters. In summary, these are firstly that the respondent did not engage with them during the determination of the planning application and secondly that the proposal did not conflict with the guidance set out in the Householder Supplementary Planning Document 2021 (SPD) and therefore was policy compliant.
4. The respondent highlights the planning history relating to the fence including a recently dismissed appeal and this sits alongside their view that the planning application process is not the appropriate process to discuss and negotiate amendments to a scheme. Instead, they consider that the applicant could have engaged with the pre-application process. They also consider that their position on the SPD was set out in their Officer report and that the SPD is guidance as opposed to policy.
5. In light of the recent planning history relating to the fence it may have been prudent for the applicant to have sought advice on a new proposal prior to a planning application being formally submitted for consideration. But in any event the respondent was under no obligation to seek amendments during the determination of the application and it is clear that the applicant was firmly of the view that the proposed fence height of 1.8 metres complied with the SPD. In that context, there was no unreasonable behaviour in terms of not seeking amendments to the scheme submitted.

6. The Officer Report sets out the respondent's position with regard to the SPD, including in terms of whether the fence is needed to provide privacy. It also notes the specific reference that the SPD makes to 'open plan' housing estates. This demonstrates that the respondent exercised their planning judgement and provided reasons for the conclusions they came to, and in doing so they made reference to both the SPD and the relevant development plan policies. Whilst ultimately their conclusion differs from my own, they justified the position they took and did not act unreasonably in their approach to the substantive matters of the case.
7. In conclusion, there were no procedural aspects of the respondent's determination of the planning application which represent unreasonable behaviour. Furthermore, the respondent adequately justified their position on the substantive matters raised in the appeal. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Graham Wraight

INSPECTOR