



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: 19 May 2025

Costs application in relation to Appeal Ref: APP/M0655/D/25/3360750

4 Hatton Lane, Hatton, Warrington WA4 4BY

- 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 Donald Bradfield for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for a two storey side extension
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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 costs submissions have been made in writing by the parties and therefore it is not necessary to recite them in full here. However, in summary, the applicant highlights that the respondent assessed the proposal against a version of the National Planning Policy Framework (the Framework) which was not the most recent version. Furthermore, they are of the view that they acted unreasonably in considering that the applicant may utilise permitted development rights in the future if permission for the appeal proposal was granted, in relying solely on a volume calculation and in failing to acknowledge that a similar extension has been permitted nearby at 1 Hatton Lane.
4. The respondent considers that the revised Framework is not materially different in regard to the policy against which the appeal proposal was assessed and that it was reasonable to consider the potential that permitted development rights would be utilised. The matter of whether the proposed extension would be disproportionate was assessed against the House Extensions Supplementary Planning Document 2021. They make no direct reference to the extension at 1 Hatton Lane in their Officer Report or their costs submissions.
5. As can be seen from my decision letter, the relevant amendments made to the Framework did not aid the applicant's case in terms of whether the proposed development would be inappropriate development in the Green Belt. Therefore, whilst it is unreasonable that the respondent did not refer to the most up to date national planning policy document when determining the planning application, even if they had done so I am not persuaded that this would have affected the outcome.

The applicant has therefore not been put to unnecessary or wasted expense in having to pursue an appeal on that ground.

6. In terms of extensions or alterations to buildings, the Framework requires consideration as to whether a proposal would result in disproportionate additions over and above the size of the original building. It does not require consideration of whether a proposal and any potential permitted development would be disproportionate. Whilst it was therefore unreasonable to factor such a consideration in, it is clear from the Officer Report and reason for refusal that the appeal proposal was on its own considered to be disproportionate. In reaching that conclusion there was somewhat of a reliance on volume and floorspace comparisons alone, however I am not satisfied that either of these matters materially affected the outcome of the planning application. This has also not led to unnecessary or wasted expense in the appeal process.
7. The absence of reference or any acknowledgement by the respondent to the extension at 1 Hatton Lane means that the applicant's case has not been fully addressed, which is also unreasonable behaviour. However, on balance, I am not satisfied that even if it had been this would have led to a different outcome either. This too has not therefore led to unnecessary or wasted expense in the appeal process.
8. For the reasons I have set out above, whilst unreasonable behaviour has occurred this has not resulted in unnecessary or wasted expense in the appeal process. Consequently, an award of costs is not warranted.

Graham Wraight

INSPECTOR