
Costs Decision

Site visit made on 8 May 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Costs application in relation to Appeal Ref: APP/R0660/W/24/3355852 Old Farm, School Lane, Smallwood, Cheshire East CW11 2UP

- 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 & Mrs Haram for full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for proposed 60 x 25 indoor exercise arena with attached 10 x 10 storage shed, 30 x 20 agricultural storage barn, re-location of existing outdoor arena, new entrance off School 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 applicants' consider that the appeal would have been unnecessary if they had the opportunity to engage in pre-application advice. However, there is no statutory requirement for a local planning authority to engage in pre-application advice although the National Planning Policy Framework recognises the benefits of good quality pre-application communications. However, the Council has stated that it did not have the resources at that time to offer a pre-application service for most schemes. This would not amount to unreasonable behaviour.
4. The applicants' also considers that there could have been better communication during the processing of the planning application. In particular, there is dispute about the agreed extension of time to determine the application. In particular with regard to the time allowed to submit the Heritage Statement. Whilst I appreciate the explanations given by both parties, in my view, each party should have been clear on what was required and when. Although the applicants' consider more time should have been allowed, it seems that there could have been an opportunity to request additional time but the applicants agent agreed the time and stated in an e-mail that the Heritage Statement would be submitted that week (e-mail dated 25 June 2024). The Council's decision was not until a month later, 24 July 2024. I note that the Heritage Statement is dated 27 August 2024. However, I agree with the applicants that the Council should have waited until the agreed time of 1 August had expired before issuing the decision whatever the internal process involved in finalising the decision. Issuing the decision earlier was unreasonable.

5. Nonetheless, I do not find that this has prevented or delayed development which should clearly have been permitted. I do not therefore consider that the applicants have has incurred unnecessary or wasted expense in the appeal process.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J D Clark

INSPECTOR