



Costs Decision

Site visit made on 17 June 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2025

Costs application in relation to Appeal Ref: APP/M0655/W/24/3355752

Mosswood Hall, Stretton Road, Stretton, Warrington WA4 4NW

- 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 and Mrs Pamela and Adamo Lau-Devoti for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for the extension to residential property, detached swimming pool building and detached three bay garage.
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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. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the procedural handling of the case, and the substance of the matter under appeal. The applicants' costs claim is made on the basis that the Council has acted unreasonably in presenting an unlawful solution in the form of a Unilateral Undertaking (UU) to exercise control over permitted development rights afforded to the existing dwelling.
4. The Council considered that the proposed development would amount to inappropriate development in the Green Belt as a result of disproportionate additions to the existing dwelling. This is not disputed by the applicants. In determining the appeal, I have found that the proposal could be implemented in addition to elements of permitted development extensions and outbuildings confirmed by the grant of a previous certificate of lawful proposed development and prior approval application. Without a mechanism to prevent the fallback position being implemented in addition to the construction of the proposal, there would be a greater loss of openness to the Green Belt than would already be the case. The very special circumstances necessary to outweigh the harm to the Green Belt by reason of inappropriateness and harm to the openness would not be established.
5. It follows that I consider a mechanism to prevent the implementation of both schemes to be necessary and reasonable. I am satisfied that such a mechanism would meet the tests for the use of planning obligations set out in the National Planning Policy Framework and the PPG. The limitations arising from the use of a planning condition in this instance would mean that the harm arising would not be

satisfactorily mitigated, such that this would not be an appropriate course of action. In this regard I have reached the same view as the Council and the previous Inspector.

6. It was the applicants' choice not to sign the suggested UU or to provide an alternatively worded mechanism of their own. As no other very special circumstances were presented, the Council was entitled to refuse the application due to the Green Belt harm arising from the proposal. I am satisfied that whilst there is disagreement amongst the parties, the Council has not acted unreasonably. It therefore follows that unnecessary or wasted expense has not been incurred.

Conclusion

7. I find that unreasonable behaviour as described in the PPG resulting in unnecessary or wasted expense has not been demonstrated. An award of costs is not justified.

M Clowes

INSPECTOR