



Costs Decision

Site visit made on 20 May 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2025

Costs application in relation to Appeal Ref: APP/A0665/W/25/3360418 Eastwood House, Princess Street, Northwich CW9 7NJ

- 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 Andrew Panayi for a full award of costs against Cheshire West and Chester Council.
 - The appeal was against the refusal of planning permission for the proposed development described as “conversion and extension of existing live/work space into two x 3 bed residential units and the erection of one x 4 bed new dwelling”.
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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 PPG also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
4. The applicant asserts that the Council has not carried out a site visit prior to making its decision and considers that the Council failed to make a proper assessment of the proposal. The applicant considers that the appeal process could have been avoided if the Council would have engaged with the applicant during the application process.
5. The Council’s evidence indicates that a site visit was carried out, albeit without entering the site, which allowed for photographs to be taken with the appeal site and the surrounding area. There was a clear dispute between the applicant and the Council regarding the submitted plans, which indicate different boundary lines, and regarding the interpretation of policies related to biodiversity. The planning decision is one which is a matter of judgement and having regard to the Council’s evidence in the planning officer’s report, it is sufficiently clear to me that a robust assessment has been carried out.

6. The Council considered the submitted bat survey and the proposed design, particularly with regard to the effect of the proposal on the living conditions of the occupiers of neighbouring properties, and drew a conclusion based on their findings. Whilst the living condition issue could have been mitigated through amendments to the plans and suitable conditions, as resolved at the appeal stage, I am satisfied that the Council's reason for refusal was clearly substantiated based on the plans that were before the Council at that time, along with their assessment of the site, surrounding area, and interpretation of the relevant policies.
7. Even if there would have been more engagement during the application process, which might have solved the living condition issue, given the limited information regarding biodiversity provided by the applicant and the discrepancies in the interpretation of the relevant policies between the Council and the applicant, it seems to me that there was a fundamental disagreement between the parties on the merits of the case, which could have only been resolved through the appeal process.

Conclusion

8. Accordingly, I conclude that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense. A claim for costs, either in whole or in part, is therefore not justified. Therefore, the application for an award of costs is refused.

Andreea Spataru

INSPECTOR