



Costs Decision

Site visit made on 22 July 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Costs application in relation to Appeal Ref: APP/A0665/W/25/3360867

Russia Hall, Frog Lane, Cheshire CH3 9ND

- 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 R Bevan for a full award of costs against Cheshire West and Chester Council.
 - The appeal was against the refusal of planning permission for an annex (C3) built within the garden of Russia Hall
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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 respondent questioned whether the householder appeal procedure was appropriate given as, in their view, the appeal building is a new residential unit. In their delegated report they had clearly set out the reasons for taking this position, and their reason for refusal is equally clear. This matter, as the applicant has pointed out by reference in their own submission to caselaw, is a matter of fact and degree and hence requires the exercise of planning judgement.
4. Although I did not find in favour of the respondent in this respect, they acted reasonably because they set out their case clearly and subsequently defended it at appeal. In the circumstances it was also not unreasonable that they suggested that the householder appeal procedure was not the appropriate procedure. It follows that the applicant was not put to any unnecessary or wasted expense by submitting an amended statement once the procedure had changed, as what they submitted was no more than what they must have considered necessary to rebut the respondent's case.
5. The second ground of alleged unreasonableness refers to the matter of whether the building is lawful and if so whether the planning application and appeal were in essence completely unnecessary. However, it was open to the applicant to have applied under section 191 of the Town and Country Planning Act 1990 (as amended) for a determination of this. The Council's' submissions suggest that they have reservations about the matter of lawfulness and, given that there is a separate route for the applicant to have unequivocally settled that matter, I find nothing unreasonable in the way the respondent acted in their determination of the planning

application. The applicant was not put to any unnecessary or wasted expense in that respect either.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Graham Wraight

INSPECTOR