



Costs Decision

Site visit made on 18 November 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2026

Costs application in relation to Appeal Ref: APP/A0665/W/25/3372753

Dones View Farm, Northwich Road, Dutton, Northwich WA4 4HD

- 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 Barry Devine for a full award of costs against Cheshire West and Chester Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for erection of forestry building and alteration of access.
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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. Costs are sought on the basis that the Council acted unreasonably in failing to issue a timely decision on the planning application.
4. The original planning application was validated in late January 2025, however by the Council's own admission, no case officer was assigned to it until the end of June 2025, around 5 months later. Thereafter, a site visit was undertaken in late-July 2025, with an email being sent to the appellant in relation to concerns held by the Council in mid-August 2025. Subsequently, I understand that a number of emails were sent and received in relation to the proposal, before an appeal was lodged in September 2025.
5. Once a case officer was assigned, it appears that the Council sought to move the application towards determination in a reasonably timely manner. Even though the 10 emails said to have been received by the Council from 15 August 2025 onwards are not before me, it is reasonable that some time would have been required to consider the content of such, particularly where a number of subsequent emails appear to have been received, and all related to the scheme.
6. However, the Council has not wholly explained why it took around 5 months for a case officer to be allocated to the application, and around 6 months for a site visit to be carried out. There is no evidence before me to indicate that the Council sought an extension to the period of determination. Even allowing for constraint on resources, these are considerable delays and amount to unreasonable behaviour.

7. Unreasonable behaviour alone does not indicate that costs should be awarded against a party. PPG advises that in order to justify an award of costs, that the unreasonable behaviour should have caused the other party unnecessary or wasted expense in the appeal process. It also advises that costs awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.
8. In this case, the Council has been consistent in its position that the proposal was unacceptable. It is likely that if had determined the planning application in a timelier manner, that it would have refused planning permission in any case. Accordingly, the appeal, and the cost associated with it, was not clearly avoidable, as the submission of an appeal may have been necessary in any event. As set out above, any potential lost earnings in the extended period of consideration of the planning application do not fall within the scope of this application.
9. The applicant has made reference to the how the Council has considered other applications in the area, including the timescales for such. The details provided, are, however, unsubstantiated. Irrespective of these cited examples, I have concluded that the Council acted unreasonably, but these references do not alter the fact that no unnecessary or wasted expense has occurred.
10. Regardless of whether the Council has previously promptly met its obligations in relation to payments following the award of costs in relation to planning appeals, this is not a matter to which I can afford any weight in considering this costs application, which is solely based upon the circumstances which are before me.
11. Therefore, although I have found that the Council acted unreasonably due to the excessive delay in considering the planning application, it has not been shown that this behaviour resulted in unnecessary or wasted expense. The application for costs is therefore refused.

C Harding

INSPECTOR