



Costs Decision

Site visit made on 13 June 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Costs application in relation to Appeal Ref: APP/R0660/W/25/3363265

The Gate House, 19 Adlington Road, Wilmslow, Cheshire East SK9 2BJ

- 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 Paul Clive for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for 'application for the change of use of garage/outbuilding to dwelling including external alterations/extensions.'
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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 gives further advice as to behaviour which may amount to a substantive award of costs being made against a local planning authority. The examples, although not exhaustive, include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations *or* not determining similar cases in a consistent manner.
4. The applicant has made the case that the Council has acted unreasonably because the development is clearly acceptable in policy terms, and that the proposal had been amended to address the comments made by the Inspector in respect of an earlier appeal¹. Further, the applicant considers the appeal scheme to be very similar to a scheme that was already permitted² with the only exceptions being features previously found by the Inspector to be acceptable.
5. It is clear from the Delegated Officer Report that the Council had regard to the already permitted scheme and earlier appeal scheme and considered how the proposal had changed and whether it addressed previous concerns. The Council was entitled to exercise its planning judgement and, in doing so, assessed that the proposal would appear a much different building to that previously found acceptable. Further, they found the concerns in respect of the earlier dismissed

¹ APP/R0660/W/23/3336116

² LPA ref. 21/5575M

appeal scheme in terms of the scale, mass and relationship of the proposed development to East Lodge to remain.

6. The Council's case is also that the changes to the proposal are more significant than the applicant contends. I share this view. I have found in my appeal decision that there would be significant harm to the character and appearance of the area arising from the proposed changes which would conflict with the development plan. Therefore, I do not find the Council to have prevented or delayed a development which should clearly have been permitted.
7. The Council refers to paragraph 140 of the National Planning Policy Framework which sets out that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme. The application was for a similar scheme to that previously approved, but it was nevertheless open to the Council to consider the effect that any proposed changes would have. I have no evidence before me to suggest that the Council have been anything other than consistent in determining the applications made in respect of the appeal site.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

R Gravett

INSPECTOR