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## Costs Decision

Site visit made on 3 July 2025

**by K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> August 2025

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### **Costs application in relation to Appeal Ref: APP/R0660/W/25/3359988**

#### **New dwelling, Coppice Road, Poynton, Stockport SK12 1SP**

- 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 Philip Kay for an award of costs against Cheshire East Council.
  - The appeal was against the refusal of the Council to approve reserved matters following outline approval for the erection of a single detached dwelling (dormer bungalow).
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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 application relies on the Council's failure to substantiate reasons for refusal; vague assertions about the impact of the proposal without any objective analysis; inconsistency in decision-making; and general lack of positive engagement during the processing of the planning application.
4. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. They also clearly state that the proposal would conflict with the relevant policies of the development plan. Whilst the Council did not submit a statement of case as part of the appeal process, the justification was briefly but adequately substantiated by the Council in its Officer's Report. This demonstrated how the design of the proposal would result in it appearing as a two storey dwelling exaggerating its scale. The officer's report takes into account the previous appeals. This means that the Council did not act unreasonably in refusing the application.
5. In terms of inconsistency, I do consider that there is some reasonable context for the proposal in terms of the overall design cues provided by the gable windows and Dutch barn style/Mansard roof. However, in my consideration of the appeal, I found that none of the examples were directly comparable in terms of scale or position, and it is not clear whether these were submitted under the same parameters as a dormer bungalow. The Council has also set out how the proposed development does not meet the terms of the outline application as a dormer bungalow. Therefore, the Council has not acted unreasonably with regard to consistency in decision-making.

6. The benefits of pre-application service can benefit proposals. In this case the applicant has highlighted the approach on this application is the procedure of the Council. Whilst the Council have a duty to work constructively with an applicant to address concerns raised, this must be within reason. I am also mindful that local planning authorities do not have an infinite amount of time to enter into discussion with the applicants on every case. It also appears the Council provided feedback to the applicant. While a lack of a pre-application advice and communication are both frustrating, it is neither unusual nor unreasonable.
7. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development. Indeed, having considered the appeal on its own merits, I have concurred with the Council. It is not therefore the case that the appeal could have been avoided and therefore the applicant has not incurred unnecessary and/or wasted expense.

### **Conclusion**

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

*K Williams*

INSPECTOR