



Costs Decision

Site visit made on 22 September 2025

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2025

Costs application in relation to Appeal Ref: APP/R0660/C/24/3346616 Higher Kinderfields Farm, Hollin Lane, Sutton, Cheshire SK11 0NN

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Michael Eardley for a full award of costs against Cheshire East Council.
 - The appeal was against an enforcement notice alleging the unauthorised erection of a building.
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Decision

1. The application for 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 Council's reasons for issuing the enforcement notice (the notice) set out in the notice are complete, precise, specific and relevant to the development. The notice was issued whilst an appeal decision was pending in regard to the use of the property for holiday accommodation¹. However, it is not unreasonable for a Council to issue an enforcement notice against something they believe to be unauthorised even if there is an appeal decision pending relating to the same building. Indeed, as I have found in my appeal decision, the building is unlawful. Had the Council waited until the appeal decision was issued before they issued the notice, this may have had implications on the lawfulness of the building through the passage of time, further supporting the Council's case that it was not unreasonable to issue the notice when it did.
4. The Council's evidence regarding whether the building benefits from planning permission and when it was substantially completed are adequately substantiated in the Council's appeal statement of case. Whilst these arguments are clearly disputed by the applicant, the Council were not unreasonable in making them. Indeed, I have concluded similarly.
5. I have varied the requirements of the notice to give the applicant the option of altering the building so that it aligns with the extant 2017 planning permission. Whilst the demolition of the entire building would be more onerous, as the unvaried notice required, it would still result in the remedying of the breach of planning control. Whilst the varied requirement provides a less onerous step, I do not

¹ Appeal reference APP/R0660/W/23/3327031

consider the Council behaved unreasonably in not including such an option and certainly not to the extent that it has caused unnecessary expense in the appeal process.

6. Regarding the alleged misleading of the planning committee, this has had no bearing on my consideration of this costs application.

Conclusion

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

A Walker

INSPECTOR