
Costs Decision

Site visit made on 6 October 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Costs application in relation to Appeal Ref: APP/R0660/W/25/3369908 Bulls Head Inn, 115 London Road North, Poynton, Cheshire East SK12 1AG

- 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 Lambert Smith Hampton, on behalf of J Edwards (JSE Property Group) for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for: Change of use of existing public house to create two new homes and the erection of two new homes within the existing curtilage
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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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and legislation; making vague and generalised assertions about the proposal that are unsupported by objective analysis; and refusing planning permission on a ground capable of being dealt with by conditions.
4. The applicant asserts that the Council relied on out-of-date policies and failed to have regard to the planning balance required under paragraph 11 of the National Planning Policy Framework (the Framework), the accompanying footnote 8, and the Written Ministerial Statement (WMS) dated 12th December 2024.
5. The applicant also contends that the Council inaccurately assessed the heritage value of the public house (P.H.) and relied upon poor quality evidence and personal views of the case officer to support their reasoning that the loss of the P.H. was not justified. They also contend that the Council failed to have regard to the Planning Practice Guidance (PPG) and legislation in relation to Biodiversity Net Gain (BNG), with particular regard to the Biodiversity Gain Condition.
6. As evident in their Statement of Case paragraphs 7.47 – 7.49, and email dated 27th June 2025, the Council clearly had regard to the housing land supply position and applied a balanced judgment in accordance with the Framework. Furthermore, the policies cited by the Council are consistent with the Framework, taken as a whole.

7. The Council made no reference to the WMS, however as the Framework was updated to take account of its content and I have found that the Council correctly applied the policies of the Framework, this does not amount to unreasonable behaviour.
8. My appeal decision explains why I generally agree with the Council's findings in respect of the heritage value of the P.H. and the balance applied in respect of harm to its significance. It follows that I find that its reasoning in these regards, are not incorrect.
9. The Council, setting out its position that insufficient evidence was submitted to justify the loss of the P.H. use, requested a marketing and viability appraisal on 19th December 2024 and on 27th June 2025. They supported this request with reference to two appeal decisions at the Sutton Gamekeeper. The applicant was therefore aware of the Council's position from an early stage.
10. The Council's Statement of Case took account of the letters from the licensee and industry experts and explained why they were insufficient; consistently referring back to the requested site specific evidence. They also drew several strands of reasoning together in exercising its planning judgment that the P.H. is a community facility, and its loss had not been adequately justified. This does not amount to the reliance on personal opinions of officers, or reliance on single pieces of evidence such as Google reviews. It also does not follow that the Council should have sought expert advice of its own, when their stance was that the evidence submitted was insufficient.
11. It is not clear from the Council's Statement of Case how they reached the conclusion that other facilities are quite a far distance from the appeal site. However, this was one small element of a wider consideration of alternative community facilities and was not a wholly determinative point. I am satisfied therefore that the judgment of the Council in respect of alternative community facilities does not amount to unreasonable behaviour resulting in wasted expense.
12. My appeal decision explains why BNG need not have been a reason for refusal, had the application been determined. However, I do not consider that the Council's stance was unreasonable given the discrepancies between the plans. In any case, as the application was to be refused on other grounds, and the applicant's appeal evidence was limited to a point of clarification in respect of BNG, I am not persuaded that this factor led directly to wasted expense.
13. The Council does not currently offer a pre-application service for development of the scale proposed. However, it is evident that the Council engaged with the applicant during the course of the decision-making process seeking amendments and additional information, including from a relatively early stage in the application's overall lifespan.
14. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not warranted.

E Heron

INSPECTOR