
Costs Decision

Site visit made on 13 November 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 December 2025

Costs application in relation to Appeal Ref: APP/R0660/W/25/3369965

Land under construction by Oakwood Homes, Land East of The Dingle & South of Clay Lane, Haslington CW1 5SE

- 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 Oakwood Construction (Northern) Ltd for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of the Council for the approval of details pursuant to conditions Nos 2, 9 and 10 of a planning permission, Ref 23/2108N.
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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 PPG provides examples of unreasonable behaviour which may be undertaken by the Council in an appeal. The applicant alleges that the Council demonstrated unreasonable behaviour in their handling of a previous planning application, which saw a condition attached to it which is the subject of this appeal. The applicant argues that this condition was unlawful.
4. To begin, the accompanying appeal decision addresses the background of the application that is the subject of this appeal. This appeal concerns the refusal to approve details pursuant to Condition 2, rather than the imposition of the condition itself. Nevertheless, I have considered this matter in order to respond to the points raised by the applicant.
5. Nevertheless, the applicant has criticised the Council for failing to engage with the split-face block material in the previous application. The decision in question approved revised plans that referenced the use of such materials. However, the information provided was limited. In particular, no manufacturer specification was submitted. I therefore concur with the Council's position that these details were open to interpretation.
6. Accordingly, a condition relating to materials, which is central to this appeal, was imposed. This condition requires the submission of details regarding the materials to be used on the external elevations of the development. The applicant has questioned the necessity of this condition, given the information contained within the approved plans. However, the critical term within the condition is

‘notwithstanding’. It remained the applicant’s responsibility to ensure compliance and discharge of the requirement. In my view, the Council did engage with the materials available to it by attaching the condition to attain their full details. I am therefore not persuaded that the Council’s actions amount to unreasonable behaviour in this respect.

7. I now turn to the question of whether this condition was imposed unlawfully. The evidence before me indicates that the applicant was invited to comment on the draft decision notice well in advance of its formal issue. It appears that no response was provided. At that stage, the applicant had the opportunity to advise the Council prior to the decision being finalised. Furthermore, the evidence does not indicate that, once the application was determined and the decision notice formally issued, that the applicant sought to appeal specifically against this condition. Taken together, these factors lead me to conclude that the Council did not act unreasonably in imposing the condition in question.
8. To conclude, I am not persuaded that the local authority acted unreasonably in the matters raised above. As such, unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified. For these reasons and taking into account all other matters raised, the application for costs is refused.

J Smith

INSPECTOR