



Costs Decision

Site visit made on 12 November 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Costs application in relation to Appeal Ref: APP/R0660/W/25/3373360

Agricultural field to the rear of Stocks Lane, Easting: 378730 Northing: 374109

- 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 R Clarkson for a full award of costs against Cheshire East Council.
 - The appeal was against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an agricultural shed.
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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 also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
4. The applicant contends that the Council failed to properly assess the proposal against the relevant considerations, including inadequate regard to its own previous advice on the location and design of the building, and insufficient reference to other approved cases. Furthermore, the applicant expresses dissatisfaction with the Council's handling of the prior approval process and its refusal to accept amended plans.
5. While I have reached a different conclusion to that of the Council, particularly with regard to the siting of the proposed building, the planning decision is one which is a matter of judgement. Although the applicant considered the advice of a Planning Officer when designing and locating the building, it remains the Council's responsibility to assess the proposal as submitted. The Council has identified the factors it considered relevant and noted the other cases referenced by the applicant, albeit without detailed analysis. Although the Planning Officer's report refers to the informal track, this was not cited in the reason for refusal as a specific impediment for the siting of the proposed building. Based on the evidence before

me, I am satisfied that the Council undertook a reasoned assessment of the matters it considered material.

6. There is a dispute between the main parties regarding the prior approval process, specifically in relation to Paragraph A.2.(2)(iv) of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This provision states that, where the local planning authority give the applicant notice that such prior approval is required, the applicant must (aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant.
7. The applicant contends that the Council failed to properly follow this process, particularly in relation to notifying that prior approval was required, as the applicant was notified that prior approval is required by the refusal notice. However, it has not been demonstrated that this procedural matter had a substantive effect on the outcome of the Council's decision. Furthermore, while the applicant is dissatisfied with the Council's refusal to accept amended plans, the Council is under no obligation to do so.
8. Accordingly, it seems to me that there was a fundamental disagreement between the parties on the merits of the case, which could have only been resolved through the appeal process.

Conclusion

9. Therefore, I conclude that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense. A claim for costs, either in whole or in part, is therefore not justified. Consequently, the application for an award of costs is refused.

Andreea Spataru

INSPECTOR