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## Costs Decision

Site visit made on 26 November 2025

**by Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> January 2026

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### **Costs application in relation to Appeal Ref: APP/R0660/W/25/3371197**

#### **Land adjacent to Evendine Cottage, Newton Hall Lane, Mobberley WA16 7LL**

- 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 & Mrs John Nigel & Susan Lesley Wright for a full award of costs against Cheshire East Council.
  - The appeal was against the refusal of planning permission for variation of condition 2 on application 22/4208M.
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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 applicants assert that the Council's reason for refusal has not been adequately substantiated, and its assessment of the proposal was based on inaccurate assertions and assumptions. The applicants also argue that the Council did not have proper consideration to the case law presented by the applicants and failed to determine similar cases in a consistent manner.
5. While I have reached a different conclusion to that of the Council regarding the degree of harm in the context of paragraph 154 g) of the National Planning Policy Framework, matters relevant to openness in any particular case are a matter of planning judgement rather than law. The Council has argued why it found 'substantial harm' in relation to the openness of the Green Belt by referring to several figures which reflect the changes in the volume, floorspace and footprint. Having considered those, the Council drew a conclusion regarding the degree of harm to the openness by referring to both the spatial and visual aspects of it. It also referred to the case law referenced by the applicants, although without going into specific details. The Council also highlighted the importance of assessing each case on its own individual merits. Having regard to the Council's evidence in the

planning officer's report, it is sufficiently clear to me that a robust assessment has been undertaken regarding the relevant matter.

6. 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**

7. Therefore, I conclude that the Council has not acted unreasonably and thereby caused the applicants 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