
Costs Decision

Site visit made on 31 October 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th January 2026

Costs application in relation to Appeal Ref: APP/C4235/W/25/3368530 Cheadle Heath Works, Stockport Road, Cheadle Heath, Stockport SK3 0PR

- 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 Stockport Metropolitan Borough Council for a full award of costs against Lidl Great Britain Limited.
 - The appeal was against the refusal of planning permission for erection of a new Lidl foodstore (Use Class E) with associated car parking and landscaping.
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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 may be procedural (e.g., failing to provide information) or substantive (e.g., pursuing a case with no reasonable prospect of success). The PPG also makes clear that costs awards are not intended to penalise parties for exercising their right of appeal.
4. The Council's application is based on its view that the appellant acted unreasonably by failing to amend the scheme in line with advice given at both pre-application and application stage. By submitting an appeal rather than a revised application, and by providing an alternative layout late in the application process, the Council contends that this resistance to negotiation resulted in unnecessary delays and wasted expense.
5. The main issue in the appeal related to the design and layout of the proposal. These are matters of planning judgment. The appellant was entitled to maintain its position and pursue an appeal, particularly as they considered the scheme acceptable in light of relevant policies and material considerations. Whilst the Council's advice was a material consideration, the appellant's failure to agree or follow that advice does not, in itself, amount to unreasonable behaviour under the PPG.
6. The Council also refers to the alternative layout submitted during the application process, noting that the timing of this submission caused delays to the determination of the application. Although submitted late, the appellant explains that this occurred only after receiving key consultation responses shortly before the

Committee meeting. These responses were necessary for the appellant to fully understand the basis of the Council's position.

7. On the evidence before me, the appellant's approach does not demonstrate deliberate obstruction or behaviour that meets the threshold of unreasonableness set out in the PPG. There is also no compelling evidence that the appellant withheld essential information, failed to engage, or otherwise acted in a way that caused wasted expense beyond that inherent in any appeal.
8. Furthermore, I have found the appeal proposal acceptable. This supports the appellant's case that the scheme was not without merit or incapable of success. The decision to appeal rather than submit a revised application was a legitimate course of action available to the appellant and does not constitute unreasonable behaviour.

Conclusion

9. For the reasons given above, I conclude that the appellant did not act unreasonably in a way that caused the Council to incur wasted or unnecessary expense in the appeal process, as set out in the PPG. The application for an award of costs is therefore refused.

P Storey

INSPECTOR