



Costs Decision

Site visit made on 9 December 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2026

Costs application in relation to Appeal Ref: APP/M0655/W/25/3374086

113, Lovely Lane, Warrington, Cheshire, WA5 1TZ

- 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 Bright Future Homes for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for Change of use from detached family dwelling (Class C3) to children's residential home (residential institution Class C2).
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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. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. In this case, the Appellant contends that the Council has acted unreasonably by: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; by failing to produce evidence to substantiate each reason for refusal on appeal; by providing only vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and by not determining similar cases in a consistent manner.
4. The Council's refusal reason explains that the on-site parking provision for the proposal, and the access to it, were considered to be unsuitable for the development as proposed, and so consequently the proposal would add to on street parking congestion to the detriment of both highway safety and the general amenities of the area. Reference is then made to the relevant development plan policies. I do not find this reasoning to be unclear or imprecise. It clearly explains the main issue of concern for the Council in a concise manner.
5. To my mind, the Council's Officer Report (OR) demonstrates that careful consideration has been given to the details of the proposal as applied for, and how this may or may not differ from the existing use, as well as the implications of this, having considered the context of the site and its surroundings.

6. Any conclusions in relation to these matters requires the application of planning judgement. The submissions indicate that the Council drew on the details of the submitted case and the physical circumstances of the site, and in considering the available evidence, applied logical reasoning. While I have found the appeal proposal to be acceptable, having considered the Council's submissions, I do not find the Council's contrary position to have been based only on vague, unjustified or general assumptions, so as to conclude that it lacked reasoned justification.
7. In its OR, the Council did not make specific reference to paragraph 116 of the National Planning Policy Framework (the Framework). However, I am not convinced that this omission can be taken as a failure to recognise the guidance provided therein. The Council concludes that the proposal would harm highway safety, and again it is a matter of judgement whether this would amount to an unacceptable impact on highway safety for the purposes of the Framework's test.
8. While the Council's OR does not include an overall planning balance, it does quote paragraph 63 of the Framework when discussing the acceptability of the proposal in principle. Therefore, it seems clear to me that the contribution of the proposal to meeting the needs of different groups with specific housing requirements was considered by the Council in its determination.
9. The Council's OR does not refer to a number of other developments permitted by the Council in the locality, or a proposal for a children's home in Burnley, allowed on appeal¹, which were highlighted to the Council by the appellant at the application stage. While not explicitly referenced, I cannot be certain that this information was ignored.
10. In its appeal submissions, the Council has stated the reasons why it took a different approach with the appeal scheme. While there are similarities between the proposal and these other schemes, there are differences also. I am not convinced by the evidence presented to me that these other cases are so similar to the proposal, that to take a contrary view on the appeal scheme, demonstrates inconsistency in decision making, amounting to unreasonable behaviour.
11. For these reasons, I am unable to conclude that the Council has behaved unreasonably in the manner suggested by the applicant.

Conclusion

12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S Brook

INSPECTOR

¹ APP/Z2315/W/24/3356537