



Costs Decision

Site visit made on 24 November 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Costs application in relation to Appeal Ref: APP/M0655/W/25/3374678

Land off Newton Road, Newton-Le-Willows, Warrington WA2 8SH

- 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 Craig Watkinson for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of planning permission for proposed agricultural building on agricultural land.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. The application for costs is principally made on the basis that the Council has acted unreasonably in its handling of the planning application. In particular, that the Council failed to determine the application within a reasonable timeframe, introduced new and unsupported refusal grounds at a late stage, and conflated two separate applications without procedural justification or prior engagement. A full award of costs is therefore sought on both procedural and substantive grounds.
4. The evidence before me is that there was no correspondence from either party between validation of the planning application on 18 November 2024 and the Council's first email on 25 February 2025, which was beyond the 8-week statutory time limit for determination of the application. The communication from the Council on 4 March 2025 outlined that the reason for the delay was a change in officer, which whilst unfortunate, does not in itself amount to unreasonable behaviour. From this date, there was clearly an ongoing and constructive dialogue, albeit with relatively long periods between responses from both parties.
5. The applicant agreed to an extension of time to determine the application until 29 July 2025, and the decision was made within this timeframe. There was no qualification to this agreement, or suggestion in the email that the applicant's agreement was anything other than voluntary.

6. It is asserted by the applicant that the Council acted unreasonably in assessing two separate applications in tandem, or jointly, despite amongst other things 'distinct redline boundaries, planning statements, and operational purposes.' The Planning Statement (PS) refers to a single agricultural building, but there was no explanation in the application submission as to whether the proposals were alternatives, or whether in fact two buildings were proposed. It is wholly reasonable that the Council sought clarification on this as the relationship between the two applications was not clear. In the applicant's first email of 28 February 2025, the two applications are conflated with a description given of total floor areas of the buildings and total stocking levels. Indeed, none of the correspondence from the applicant after this date seeks to distinguish between the two; this has clearly contributed to the confusion.
7. In an email dated 28 May 2025, the Council raised concerns in respect of the adequacy of information provided with the planning application and clearly explained that a report was needed from an independent agricultural consultant to justify the new buildings. The applicant's own evidence acknowledges that further detail was required from an independent third party. As outlined in the appeal decision, some buildings will not be inappropriate development in the Green Belt where they meet the exceptions set out in paragraph 154 of the National Planning Policy Framework. Exception a) of paragraph 154 is 'buildings for agriculture and forestry.' Whether a building is for an agricultural purpose is a matter of planning judgement. Whilst latter in the application process, the Council did not act unreasonably in requesting additional information to satisfy themselves that the proposed development would be for such an agricultural purpose. The reasons for this were conveyed to the applicant.
8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Gravett

INSPECTOR