



Costs Decision

Site visit made on 18 February 2026

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2026

Costs application in relation to Appeal Ref: APP/R0660/W/25/3375780

29A Grimshaw Lane, Bollington, Cheshire East SK10 5PT

- 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 L Leitch of LL Securities Ltd for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for the erection of 1 dwelling.
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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 applicant's claim for costs relates to the first reason for refusal and is based on the view that the Council failed to take into account the legal position regarding the road. No mention is made in the costs claim with regard to the second reason for refusal which relates to design.
4. The Council state that the proposed new dwelling should incorporate two off-street car parking spaces. These are shown on the submitted plans but the Council dispute their accessibility due to vehicles parked on the road. The appellant has set out a case relating to the legal position regarding accessibility. Basically, the arguments rests on the neighbouring properties inability to legally obstruct access to the appeal site. I note that the appellant has applied for a Traffic Regulation Order (TRO) to prevent vehicles parking on this section of Grimshaw Lane but this has not been carried forward, apparently due to the lack of the appropriate Council resources.
5. The applicant's legal advice states that there is a high chance that a TRO would be made. The author cites case law and the duty under section 122(1) of the Road Traffic Regulations Act 1984. However, the advice is opinion, albeit based on legal expertise, and does not mean that a TRO would actually be made. As it stands, the applicant's own legal advice states that it is not unlawful to park on the road at this point in time, that is, without a TRO.
6. Setting aside the TRO, the submitted evidence sets out why cars cannot legally park on the road as it stands now. Cheshire Police have been contacted and a crime number recorded. The e-mail from the appellant referencing this (dated 18

June 2025) states that the neighbours continue to park and block the access/public highway which contravenes the law. The e-mail further states that this proves that cars cannot legally park on the road. However, it does not prove that cars cannot park on Grimshaw Lane, parking only becomes illegal if an access is blocked, that is, if parking causes an obstruction on the highway.

7. Therefore, notwithstanding the lack of parking restrictions, it is reasonable to assume that vehicles cannot block another legal access. None of the houses in the terraced row on this section of Grimshaw Lane (Nos 21 to 29A) have vehicular access from the road. The appeal site includes No 29A and a sectioned off piece of land next to it and there is currently no vehicular access to the existing house or the sectioned off area of land.
8. The road is very narrow and further down Grimshaw Lane (the stretch between Rose Bank and where it joins the main road), cars park partly on the pavement which allows cars to pass. From my observations of cars parked on the stretch between Nos 21 and 29A, it is clear is that parked cars would inevitably hinder any access into the appeal site making the car parking spaces shown for the proposed dwelling inaccessible.
9. From the evidence submitted, regardless of the legal issue about access and obstructing vehicles, the applicant and the Council's planning officer continued negotiations regarding the provision of two car parking spaces. This culminated in the under-croft arrangement now proposed which achieves the required spaces but at the expense of a design that was unacceptable to the Council. I agree with the Council on this matter as I have explained in my decision on the planning appeal.
10. The applicant considers that the legal situation has been ignored but I consider that it is more a matter of the weight that has been attributed to it in the balanced assessment of the proposal. The applicant clearly places great weight on the legal right of access. The Council, on the other hand, has sought to balance the policy requirements for parking with the matters raised regarding the access. This includes those by third parties as well as its highway consultee. This has resulted in a delay in determining the planning application but has also allowed the appellant to revise the design to accommodate parking.
11. In terms of delaying a development that should have been approved, for the purposes of this costs application, the emphasis is on the legalities of the access whereas this is only one element of the assessment for the suitability of the appeal site for the proposed development. The impact of the proposal on the character and appearance of the area constituted a second reason for refusal and so the application may well have been refused notwithstanding the first reason.
12. Consequently, I do not find that the matters regarding legal rights of access and obstructing an access has prevented or delayed development which should clearly have been permitted. I do not therefore consider that the applicant has incurred unnecessary or wasted expense in the appeal process. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J D Clark

INSPECTOR