
Costs Decision

Site visit made on 10 February 2026

by **K Mee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th March 2026

Costs application in relation to Appeal Ref: APP/J4423/Z/25/3376204 Meadowhall Centre, Sheffield S9 1EP

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (the Regulations), and section 250(5) of the Local Government Act 1972.
 - The application is made by Wildstone Estates Limited for a full award of costs against Sheffield City Council.
 - The appeal was against “7no. digital advertising displays”.
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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 (the 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 makes it clear that a local planning authority may be at risk of a substantive award of costs where it does not determine similar cases in a consistent manner, and where it prevents or delays development which should clearly be permitted, having regard to material considerations. A local planning authority may also be at risk of a procedural award of costs where it lacks co-operation with the other party, and delays providing information.
4. In this instance, the applicant has made an application for costs on both substantive and procedural grounds, submitting that the Council did not demonstrate consistency in its decision making, did not properly examine the application on a site-by-site basis and did not engage correctly in the application process.
5. In relation to consistency of decision making, my attention has been drawn to several digital displays approved by the Council, including those on Council owned land. However, the site circumstances of the examples provided differ materially from the appeal proposal, such that they are not directly comparable. I therefore find no clear inconsistency in the Council's approach.
6. With regard to material considerations before the Council, as set out within my appeal decision, Saved Policy BE13 of the Sheffield City Council Unitary Development Plan (March 1998) is not merely out-of-date by virtue of its age as contended by the applicant. It remains consistent with the aims of the National Planning Policy Framework with regards to advertisements. Therefore, the Council

- acted reasonably in considering the development plan, insofar as it relates to amenity and public safety.
7. The officer report refers to potential ecological impacts on Local Wildlife Sites arising from the advertisement structures and illumination at Sites 1 and 2, which the applicant asserts is unreasonable. The Council acknowledge that this commentary may have conflated visual amenity with ecological value. There is no basis within the Regulations for assessing the proposal on anything other than in the interests of amenity and public safety, and any ecological impacts should not have formed part of the consideration. However, I am satisfied that the Council's assessment ultimately centred on visual amenity and that this informed its overall conclusion.
 8. The Council assessed each of the proposed advertisement displays, identifying where they would result in the loss of trees and soft landscaping. The applicant argues that the Council artificially inflated the impact on amenity by stating that the proposal would negatively impact trees and soft landscaping as a whole. However, as a single application was submitted for all of the proposed advertisements, I do not find it unreasonable that the Council reached its conclusions on the proposal overall.
 9. Within the officer report an assessment of each advertisement with regard to public safety was made. While the report did not reproduce the full extent of the Highway Officer's (HO) comments, a summary of the HO concerns were provided in relation to the potential distraction for drivers, particularly in relation to Sites 4 and 7. Aspects of the HO's comments that were omitted include reference to appeal decisions that, as stated by the applicant, were provided to demonstrate the correct approach to potential ecological impacts. Accordingly, I find that the officer report did not misrepresent the consultee comments on public safety.
 10. A Highway Safety Report was submitted with the application, and this was evidently reviewed by the planning officer as part of their assessment. Planning officers are entitled to use their planning judgement to interpret and conclude on the information received as part of an application. While the applicant disagrees with the planning decision, this does not amount to unreasonable behaviour by the Council.
 11. Turning to procedural matters, the applicant submits that the Council acted unreasonably by being unco-operative and by failing to provide the requested HO comments until after the decision was issued. The evidence also shows that the Council did not respond to the applicant's repeated correspondence. While the situation may have caused frustration to the applicant, there is no clear indication that the Council's actions led to unacceptable delays or, had it responded sooner, that it may have made a different decision. The application would therefore still have been refused, and the appeal would still likely have been lodged.
 12. The detailed pre-application advice clearly identified the Council's concerns, which were carried through into its subsequent assessment. While I have reached a different conclusion to the Council with regard to a number of the advertisements, this was a matter of planning judgment, and it does not suggest to me that the Council was unreasonable in reaching its decision.

13. Overall therefore, I do not consider that unreasonable behaviour has been demonstrated within the meaning of the PPG on either procedural or substantive grounds. It follows that the applicant was not put to unnecessary or wasted expense in testing the Council's judgement at appeal.

Conclusion

14. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. Consequently, the application for an award of costs is refused.

K Mee

INSPECTOR