Planning Inspectorate

Costs Decisions

Site visit made on 20 January 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2026

Costs application A in relation to Appeal Ref: APP/M0655/C/25/3367649
Land to the rear of 340 Thelwall Lane, Warrington, WA4 1NJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Luke Perret for a full award of costs against Warrington Borough Council.
- The appeal was against an enforcement notice alleging without planning permission, the construction of a detached building used as, or capable for use as, an independent dwellinghouse.

Costs application B in relation to Appeal Ref: APP/M0655/C/25/3367649
Land to the rear of 340 Thelwall Lane, Warrington, WA4 1NJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Warrington Borough Council for a partial award of costs against Mr Luke Perret.
- The appeal was against an enforcement notice alleging without planning permission, the construction of a detached building used as, or capable for use as, an independent dwellinghouse.

Decisions

Application A

1. The application for an award of costs is refused.

Application B

2. The application for an award of costs is refused.

Reasons

3. 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.

Application A

4. The appellant says that the description of development for the 2023 planning application[1] was changed without their agreement by the Council and suggests that this led to the refusal of planning permission. However, the description of development, the Council's handling of the previous planning application, and the planning merits of the development are not directly related to the current appeal. Costs must relate to the appeal process itself and not to earlier or separate planning applications.

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[1] Council ref. 2023/01480/FUL

5. I acknowledge that the previous appeal and costs application were made under a distinct statutory appeal regime from the current s174 appeal. Nevertheless, the issue of the changed description and the merits of the development, including consideration of the impact on the character of the area, were fully addressed in the previous appeal decision and associated costs application. Bearing in mind that previous appeal decision, the Council's description of the breach at paragraph 3 of the notice is clearly reasonable.

6. The appellant has provided email correspondence between the parties from April and May 2025 and refers to the Council's failure to negotiate with them, including in respect of a pre-application submission, prior to the issue of the enforcement notice. However, my understanding is that the parties have been negotiating on an alternative scheme over a long period and the Council has provided advice. The evidence does not therefore indicate an unwillingness to engage on the Council's part prior to the issuing of the notice. As the breach of planning control was first reported in October 2022 and an appeal has been dismissed, the decision to serve the notice in May 2025 was clearly not premature but was a reasonable and proportionate action.

7. Building Control matters are outside the remit of the appeal and do not indicate unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process itself.

8. For the reasons given above, I find that in Costs Application A unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Application B

9. The Council submits that the appellant acted unreasonably by appealing under ground (f) with no supporting evidence and no realistic prospect of success (in the absence of a ground (a) appeal), mischaracterising the development, and re-litigating arguments already rejected in earlier proceedings. The Council says this unreasonable behaviour has caused unnecessary and wasted expense in defending both the appeal and the associated costs application.

10. Appellants are required to exercise the right of appeal in a reasonable manner. According to the PPG paragraph 053, an appellant risks an award of costs being made against them on substantive grounds if their appeal had no reasonable prospect of succeeding. That might be because it is made plain by a recent appeal decision relating to the same, or a very similar development on the same, or substantially the same site, that development should not be allowed. The appellant is at risk of an award of costs, if they persist with an appeal against an enforcement notice on the ground that planning permission ought to be granted for the development in question.

11. The enforcement notice relates to the same development previously refused permission and later dismissed on appeal. The appellant continues to dispute the change to the description of the development, maintaining that the appeal building is an annexe rather than a separate dwelling, notwithstanding that these arguments were rejected by the previous Inspector. While this is unfortunate, I am not persuaded that it has resulted in wasted expense, as the submission of appeals on grounds (f) and (g) meant that the appeal could not have been avoided.

12. The appellant has explained why they believe the requirements of the notice are excessive and has set out what lesser steps they consider would remedy the breach and satisfy the purpose of the notice. In dismissing the ground (f) appeal I have explained why those lesser steps would not achieve the purpose of the notice and cannot be accepted. Nevertheless, there was reasonable scope for alternative viewpoints to be held in relation to this matter. Accordingly, the appellant did not act unreasonably in relation to this issue.

13. I conclude that in Costs Application B unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M Ollerenshaw

INSPECTOR