



Costs Decision

Site visit made on 8 April 2026

by Grahame J Kean B.A. (Hons) Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2026

Costs application in relation to Appeal Ref: APP/J4423/C/25/3371518
Site of 245 Ecclesall Road, Sheffield S11 8JE

Decision

1. The application is refused.

Reasons

2. The applicant applies in writing for a partial award of costs. Its case is that the Council introduced arguments about the draft local plan and road safety, not referred to in the reasons for issuing the enforcement notice. Although referred to in the reasons for refusing the planning application, the appeal was different. The appellant spent time and money dealing with arguments outside the reasons for issue. Introducing new reasons at appeal stage was unreasonable behaviour putting the appellant to additional expense, however small the amount.
3. The Council responded that “*mentioning*” additional policies related to harm already identified in the notice, supplementing what was quoted therein which “*would not have led*” to any unnecessary additional expense. Draft local plan policies had lesser weight due to the examination stage reached and were “*only used for insight into the direction of land use planning in the City*”. In addition, the reasons in the refusal of planning permission put the appellant on notice that such matters were relevant. Therefore, the Council did not behave in an unreasonable manner.
4. Parties in planning appeals normally meet their own expenses but 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.
5. It is quite unrealistic of the Council to suppose that no extra cost would be incurred in dealing with supplemental arguments based on newly added policies. That said, the relevant regulations do not require the notice to be a full statement of the planning case. That is the purpose of the appeal statement. The appellant took the opportunity given by the “final comments” stage of the written representations process to respond fully to the additional points made, and within the relevant timescales, which is a normal part of the appeal process.
6. I conclude that the Council’s actions do not amount to unreasonable behaviour.

Grahame J Kean

INSPECTOR