



Costs Decision

Site visit made on 3 March 2026

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Costs application in relation to Appeal Ref: APP/M0655/C/24/3348406 Wayside Bungalow, Knutsford Road, Grappenhall & Thelwall, Warrington WA4 3LA

- 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 Christopher Daniel Meek for a full award of costs against Warrington Borough Council.
 - The appeal was against an enforcement notice alleging the construction of a detached outbuilding, creation of a bund, and the erection of a fence and gates.
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Decision

1. The appeal 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. The word “unreasonable” is used in its ordinary meaning as established by the courts¹. In the context of an application for an award of costs, unreasonable behaviour may be either procedural – relating to the process, or substantive – relating to the issues arising from the merits of the appeal.
4. The PPG gives a non-exhaustive list of examples of unreasonable behaviour which may give rise to a procedural award against a local planning authority. This includes the “*withdrawal of any reason for refusal or reason for issuing an enforcement notice*”. In terms of examples of unreasonable behaviour which may give rise to a substantive award against a local planning authority, the list of examples includes “*vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by objective analysis*”
5. In addition, paragraph 48 of the PPG refers to when a local planning authority’s handling of an enforcement notice prior to the appeal may lead to an award of costs. It states that local planning authorities must carry out adequate prior investigation, and that they are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation that would have either avoided the need to serve the notice in the first place, or ensured that it was accurate.

¹ Manchester City Council v SSE & Mercury Communications Limited [1988] JPL 774

6. The applicant's case is made on both procedural and substantive grounds. In terms of the procedural claim the applicant argues that the ground (a) and (d) appeals in relation to the bund and boundary treatments could have been avoided. The Council subsequently accepted that these developments were immune from enforcement action and sought to have them removed from the alleged breach of planning control. In particular, the applicant considers that the Council could have served a Planning Contravention Notice (PCN) to gain accurate information as to when the developments were substantially completed.
7. I acknowledge that the Council is under no obligation to serve a PCN when investigating an alleged breach of planning control, however it is the Council's responsibility to ensure that an adequate investigation is carried out. The Council point to the fact that, despite contacting the applicant following the refusal of a retrospective planning application in December 2023, no further contact was received for six months resulting in the enforcement notice being issued in June 2024.
8. Nevertheless, it remains the Council's responsibility to carry out a diligent investigation prior to issuing the enforcement notice. It is apparent that this was not the case here, and had the Council done so it is almost certain that formal enforcement action would not have been taken in respect of the bund, and the fence and gates. The appeal in relation to these developments therefore could have been avoided.
9. With regard to the applicant's substantive claim, this is primarily on the basis that the Council failed to grapple with the updated version of the National Planning Policy Framework ("the Framework") that was published in December 2024. The Council though did refer to the updated Framework in its final comments, including specifically referring to paragraph 154 g) which was the exception the appellant sought to rely on.
10. Consequently, although I did not agree with the Council's assessment of whether the development met the exception set out at paragraph 154 g) of the Framework, I do not find that this amounts to unreasonable behaviour resulting in wasted or unnecessary expense. The Council was entitled to come to a different view in terms of whether the development met the exception at paragraph 154 g) and its impact upon the Green Belt, as well as the character and appearance of the area.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been demonstrated having regard to the Council failing to carry out adequate prior investigation. I am satisfied that a more diligent investigation would have meant that an appeal in relation to the bund, fence and gates would have been avoided. A partial award of costs is therefore justified on this basis.
12. However, for the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in relation to the substantive ground concerning the Council's perceived failure to consider national Green Belt policy as set out in the Framework.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Warrington Borough Council shall pay to Mr Christopher Daniel Meek the costs of the appeal proceedings, **limited to those costs incurred in relation to the appeal submissions concerning the creation of a bund and the erection of a fence and gates only**, such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The applicant is now invited to submit to Warrington Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Jones

INSPECTOR