
Costs Decision

Site visit made on 26 June 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 June 2026

Costs application in relation to Appeal Ref: APP/M0655/X/25/3376070

13 Willis Street, Fairfield and Howley, Warrington, WA1 3QE

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ashley Peters for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for a proposed rear dormer.
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Decision

1. The application 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 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 states that the Council did not consider the proposal correctly and, moreover, did not apply section 192 of the Act properly. In particular, the applicant states that the Council considered the proposal as one that sought to regularise or retain the dormer that was already in place.
4. In my LDC appeal decision, I have concluded that the evidence was that a new dormer was being proposed. The applicant's LDC application was clear in that regard. In addition, the applicant also engaged with the Council on 21 October 2025 and 4 November 2025 to make this clear. Despite this, the Council refused the LDC application because it considered that the proposal related to retaining, at least in part, the dormer that was already on the building. This incorrectly and unreasonably led to the LDC application being refused.
5. I therefore conclude that the Council acted unreasonably in terms of its determination of the LDC application and hence the applicant has been put to wasted time and expense in pursuing the appeal. Therefore, a full award of costs is justified.

Costs Order

6. 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 Ashley Peters, the costs of the appeal proceedings

described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

7. 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.

D Hartley

INSPECTOR