



Costs Decision

Inquiry held on 4-6 August 2026

Site visits made on 3 and 6 August 2026

by **R Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th September 2026

Costs application in relation to Appeal Ref: APP/J4423/C/26/3378304

Step Rehabilitation, 30 Troutbeck Road, SHEFFIELD, S7 2QA

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by STEPS Rehabilitation Ltd & Gladman Retirement Ltd for a full award of costs against Sheffield City Council.
- The inquiry was in connection with an appeal against an enforcement notice alleging a breach of Condition 13 attached to outline planning permission ref 13/02019/OUTR requiring the delivery of a riverside walk/cycleway.

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 (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 The applicants claim that the Council's proper service of a second enforcement notice following an identical withdrawn notice, despite offence to their nullity arguments then stated, was unreasonable. However, for the reasons explained in the appeal decision letter, I have found in favour of the Council in respect of the validity of the Notice and it cannot follow that unreasonable behaviour has occurred by that means.
4. A second claim relates to the Council's alleged inability to justify action in the light of the findings of the Supreme Court in *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC30 and its endorsement of *Pilkington v SSE* [1973] 26 P&CR 508. The applicants' counsel had highlighted that settled law before the Notice was served. Not following well-established caselaw is a ground for finding unreasonable behaviour¹.
5. As issues arising under the legal grounds of appeal, the burden of evidence lay with the applicants. In that regard, I found the applicants' evidence fell short. It failed to demonstrate that any actual displacement of development or inconsistency between permissions had occurred to effect the *Hillside* principles and nullify the condition in question. Although this was left to legal submissions late in the day, the Council's view that there were distinctions in the case circumstances sufficient to

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306

ensure the 2018 permission did not prejudice the conditional requirement on the appeal site was born out. Its stance did not give rise to wasted time in the appeal.

6. The applicants assert that the Council's approach to the ground (a) appeal and the deemed application for planning permission lacked credibility on the basis of their finding on the balance of planning harm and benefits.
7. The Council reasonably identified that some harm would probably accrue through loss of trees and flood risks. Some effects might be greater than anticipated when the walkway details were approved. However, it highlighted that the weight given to any benefits or disbenefits must be taken in context.
8. Explaining by use of examples, the Council stressed that delivery was necessarily an ongoing objective. It highlighted that access to isolated stretches of the path was, on occasion, separate to delivery of secured lengths of paths. Although the incumbent owners of the land may insist they would prevent general access, over the longer periods of time that the objective applies, that may change due to changing circumstances.
9. As examples of secured access were referenced in evidence and at the Inquiry, the Council's weight to consideration of the delivery of the path infrastructure is not unsurprising. In the wider scope of responsibility for the delivery of the policy's strategic aims, I find the balance of planning judgement with regard to the development plan and relevant material considerations, was not unreasonable on the part of the Council.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Hitchcock

INSPECTOR