



The Planning Inspectorate

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Dan Matthewman
Green Belt Experts

Your Ref:

Our Ref: APP/M0655/W/25/3367247

Date: 23 September 2026

Dear Sir

**LOCAL GOVERNMENT ACT 1972 - SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 - SECTIONS 78 & 322
LAND AT SPRING LANE NURSERIES, SPRING LANE, CROFT, WARRINGTON,
CHESHIRE, WA3 7AS: APPEAL BY MR THOMAS SMITH: APPLICATION FOR
COSTS**

1. I am directed by the Secretary of State for Housing, Communities and Local Government to refer to the Planning Inspectorate's decision of 11 March 2026 deeming the appeal to be invalid. The appeal was against the decision of Warrington Borough Council to refuse planning permission for the change of use of land to use as residential caravan site for 5 gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with the laying of hardstanding and erection of communal amenity building on land described above.

2. This letter deals with your application on behalf of residents of New Lane and Spring Lane, for an award of costs against the appellant as made in correspondence of 6 February, 1 April and 21 April 2026. The appellant's rebuttal was received on 15 April 2026. As these costs submissions have been made available to the parties it is not proposed to summarise them. They have been carefully considered.

Summary of decision

3. The formal decision is set out in paragraph 9 below. The costs application fails and no award of costs is being made.

Basis for dealing with the costs application

4. In planning and enforcement appeals, the parties are normally expected to meet their own expenses, irrespective of the outcome. Costs are awarded only on

the grounds of “unreasonable” behaviour, resulting in unnecessary or wasted expense. The application for costs has been considered by reference to the Planning Practice Guidance on awards of costs (as published on the Gov.uk website under “Appeals”), the appeal papers, the correspondence on costs and all the relevant circumstances.

5. All the available evidence has been carefully considered. The sequence of events leading to the cessation of the appeal has been carefully examined. The appeal and supporting statement were received by the Inspectorate on 8 June 2025. The Inspectorate’s Start letters of 1 July 2025 informed the parties that the appeal would be dealt with by way of the Hearing procedure and a timetable was set for the submission of appeal documentation. The procedure was changed on 6 August 2025 to an Inquiry, which was arranged to take place on 25 November 2025. A Case management Conference (CMC) took place on 25 September 2025. Your statement of case was received on 10 October 2025, and your proof of evidence was received on 24 October 2025. The appellant’s proof was received by 29 October 2025. Proof rebuttal statements were received by all parties on 11 November 2025. The Inspector decided on 11 March 2026 that the appeal was invalid and therefore could not be lawfully determined.

Conclusions

6. Although you are claiming a full award of costs, as the appeal has been deemed invalid, thus ending the proceedings, the issues arising on it remain unresolved as they have not been tested by an appointed Inspector after assessing all the evidence before him. Therefore, it is not possible to assess the reasonableness of either party’s case on appeal; and the Secretary of State has no further jurisdiction in the matter. The only issue before the Secretary of State to consider therefore is whether the appellant acted unreasonably by submitting an invalid appeal due to failing to provide required documents, causing the Rule 6 Party to incur wasted or unnecessary expense in the appeal process.

7. It is clear from the Inspector’s decision that the reasons why he deemed the appeal to be invalid was due to the absence of required documents, such as a completed Biodiversity Net Gain (BNG) assessment and a statement of degradation, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. It appears clear that you consider the appellant acted unreasonably by failing to submit these required documents, as well as other information, not only with the appeal but also with the application.

8. However, while the Secretary of State agrees that the appellant acted unreasonably by not submitting the documents, she considers it important to note that as well as the appeal, the Inspector also considered the application to be invalid for the same reasons. That being the case, it follows that instead of determining the application, the Council should have turned it away as invalid. Had they done so, it would not have been possible for an appeal to have been made at the outset and for any party to have subsequently incurred expense. Therefore, the Secretary of State can only conclude that while the residents of New Lane and Spring Lane clearly incurred wasted expense as a Rule 6 Party in the appeal process, it was not as a result of the appellant’s unreasonable behaviour as it should not have been possible for him to submit an appeal. As it was, the appellant received a formal decision notice and was entitled to appeal against it. An award of costs against him will therefore not be made.

FORMAL DECISION

9. For these reasons the Secretary of State has decided that an award of costs, on grounds of "unreasonable" behaviour resulting in unnecessary or wasted expense, is not justified in the particular circumstances.

10. A copy of this letter has been sent to the appellant's agent, Philip Brown.

Yours faithfully

K McEntee

KEN McENTEE
Authorised by the Secretary of State
to sign in that behalf