



The Planning Inspectorate

C/O QUADIENT
69 Buckingham Avenue
Slough
Berks
SL1 4PN

Direct Line: 0303 444 5601
Customer Services: 0303 444 5000

Martha Hughes
Principal Planning Officer
Warrington Borough Council

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

Date: 23 September 2026

Dear Madam

**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 the Council's application for an award of costs against the appellant as made in correspondence of 1 and 21 April 2026. The appellant's rebuttal was received on 10 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. The Council's statement was received on 10 September 2025. A Case management Conference (CMC) took place on 25 September 2025. The Council's proof of evidence was received on 24 October 2025, and the appellant's proof was received by 29 October 2025. Proof rebuttal statements were received by all parties by 12 November 2025. The Inspector decided on 11 March 2026 that the appeal was invalid and therefore could not be lawfully determined.

Conclusions

6. Although the Council 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 Council 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 the Council 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 with the Council that the appellant acted unreasonably by not submitting the required 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, if 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. Having received a formal decision notice, the appellant was entitled to appeal against it. Therefore, the Secretary of State can only conclude that while the Council clearly incurred wasted expense in the appeal process, this was essentially of their own making. An award of costs against the appellant 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