



Costs Decision

Site visit made on 11 March 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

**Costs application in relation to Appeal Ref: APP/H1840/W/24/3349147
Land At (Os 8402 7347), Summerfield Lane, Summerfield, Hartlebury,
Worcestershire, DY11 7SA**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Joe Nugent, of SHEN for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of outline planning permission for the development of up to 8 self-build residential dwellings. All matters reserved apart from access.
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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 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 basis for the appellant's application for an award of costs against Wychavon District Council is that despite positive and proactive engagement the case officer for the planning application adopted a conflicting position to the pre-application advice previously given. The appellant claims that this has resulted in unnecessary expense instructing consultants to provide professional services, such as Town Planning, Architects, Ecology, and Highways.
4. A copy of the pre-application advice report (the report) has been provided by the Council. The advice was sufficiently detailed and made it clear that despite the lack of a five-year housing land supply, the scheme is unlikely to receive officer support should a planning application be received. The report also included advice covering highways and ecology matters.
5. There is otherwise limited evidence before me of what other attempts were made by the appellant to seek further discussions prior to a planning application being submitted. Nonetheless, while positive pre-application engagement is supported by the National Planning Policy Framework, such advice is not binding on the final planning decision. The report made this clear.
6. Furthermore, since the pre-application stage, it is unclear in what way the Council acted unreasonably and why the use of several professional services has led to unnecessary or wasted expense in the appeal process.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bromley

INSPECTOR