
Costs Decision

Site visit made on 15 April 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Costs application in relation to Appeal A Ref: APP/R1845/W/24/3352106

Land At Os 381880 279160 Lowe Lane , Wolverley, Worcestershire, DY11 5QR

- 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 M Newton for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of planning permission for an outline application with all matters reserved bar access for the construction of 3 no. self-build plots.
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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 (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 applicant submits that the Council did not suitably substantiate their case, acted contrary to the policies of the Local Plan (the LP) and did not keep to the deadlines of the appeal. In these ways the applicant considers the Council acted unreasonably and that this ultimately led to unnecessary expense in defending the scheme at appeal.
4. The LP is clear under its Reasoned Justification that the appeal site is outside of the Green Belt as it is within a Reserved Housing Site. Although in this case the policy required that the proposal be considered as if it was within the Green Belt, this does not mean that the site is within the Green Belt.
5. Given the above, the appeal site does not benefit from the additional weight against inappropriate development in the Green Belt afforded by the National Planning Policy Framework (the Framework). In their officer report, decision notice and appeal submissions the Council have described the site as being within the Green Belt. By way of this, and in light of the above, there is no certainty that the Council did not over attribute significance to the conflict it found with the LP.
6. The Council's list of self-build/custom housing (SBCH) permissions sets out the source of evidence for identifying each permission as providing SBCH. However, this information is very limited given it only refers briefly to; "planning application", "council tax" or "information from applicant". These references are not sufficient on their own to suitably demonstrate that the Council have met demand or that they

have followed the Levelling-up and Regeneration Act 2023 (the LURA) in what counts as SBCH.

7. The Far Forest appeal (APP/R1845/W/21/3284761) shows that the Council have previously been told their SBCH submissions are insufficiently detailed. I note the adoption of the LP and the passing of the LURA since the Far Forest decision, but there has been no change in the need for clarity and detail in the provision of SBCH supply of permissions.
8. Although I note the applicant's concerns regarding how the demand for SBCH was calculated, this appears to stem primarily from an email prior to the decision, rather than the decision itself. From the submissions before me, it appears that the aggregate of all SBCH need was considered.
9. Nevertheless, in their treatment of the Green Belt issue and by not clearly setting out the supply of SBCH permissions in line with the LURA, the Council would have sown doubt in the applicant as to whether the planning application should have been refused. The Council's actions made the submission of the appeal necessary to seek confidence in the planning decision. Had the Council accurately and clearly dealt with the above matters, the entire appeal may have been avoided and so, in this way the Council have acted unreasonably and caused the applicant wasted expense in the submission of the appeal.
10. From the information before me it appears that the Council did submit their questionnaire and associated documents within the specified deadlines and so did not, in this way, act unreasonably.
11. Nevertheless, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

12. 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 Wyre Forest District Council shall pay to Mr M Newton, 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.

The applicant is now invited to submit to Wyre Forest District 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.

Samuel Watson

INSPECTOR