
Costs Decision

Site visit made on 4 June 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Costs application in relation to Appeal Ref: APP/L3245/Q/25/3363603 Orchard Cottage, Ashford Carbonnel, Ludlow SY8 4BX

- 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 Simon Angell for a full award of costs against Shropshire Council.
 - The appeal was against the refusal to discharge a planning obligation.
 - The obligation, dated 20 June 2012, was made between Shropshire Council and Mr Simon Angell.
 - The development to which the planning obligation relates is erection of an affordable dwelling and garage/store, alteration to existing vehicular and pedestrian access and siting of a temporary caravan.
 - The application Ref 24/04864/DSA106, dated 21 January 2025, was refused by notice dated 5 March 2025.
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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 (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 appellant submits that the Council has failed to give proper consideration to the submitted evidence and the requirements of the National Planning Policy Framework, thus leading to the submission of an unnecessary appeal and associated wasted expense. The costs application is therefore made in relation to the substantive considerations of the case.
4. The Council has fully explained its decision in the context of the key considerations for applications made under Sections 106A/B of the Town and Country Planning Act 1990, as amended. That the Council did not reach the same conclusions as the appellant is not evidence of unreasonable behaviour. For the reasons outlined in my separate decision, I do not reach in favour of the appellant on the merits of the case before me.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Nicholls

INSPECTOR