



Costs Decision

Site visit made on 7 July 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2025

Costs application in relation to Appeal Ref: APP/J1860/W/25/3363238

The Hillbee Farm, Welland Road, Upton Upon Severn, WR8 0SN

- 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 S Finney for a full award of costs against Malvern Hills District Council.
 - The appeal was against the refusal of planning permission for additional mobile homes on existing Gypsy site, erection of stable block, siting of shipping container and associated development.
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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 PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal on the appeal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and not determining similar cases in a consistent manner.
4. It is the applicant's view that the Council has acted unreasonably by preventing the proposal, as it was unable to demonstrate that the proposal would result in a significant impact on the residential amenity of occupants of the adjacent houses, which had not previously been a reason for refusing similar development on the site. The applicant contends that the Council failed to substantiate the reason for refusal in a meaningful way and resorted to new objections on the basis of manure and the children's play area.
5. Although as part of my determination of the appeal I conclude the proposal would not result in harm to the living conditions of occupants of the neighbouring houses with regards to noise and disturbance, this is a matter of judgement, and it is not unreasonable for the Council to come to a different decision. The Council is not bound to adopt the recommendation of its planning officers, provided clear and convincing planning reasons are given.

6. In this case, the minutes of the planning committee clearly set out the reason members did not agree with the officer's recommendation and which development plan policies the proposal would conflict with. This is replicated as the reason for refusal on the Decision Notice. The reason for refusal is detailed and adequately substantiated by the Council's statement of case.
7. I acknowledge that noise and disturbance has not previously been a reason to refuse similar development at the appeal site. Nonetheless, an appreciable amount of time has lapsed since an application for a similar number of pitches was refused at the site. It is therefore not unreasonable for the Council to come to a different decision in this regard based on the specific site circumstances and policy context at this time.
8. For the reasons set out above, I conclude that it has not been demonstrated that unreasonable behaviour has resulted in an appeal which would not have otherwise been necessary, or in unnecessary or wasted expense, as described in the PPG. An award for costs is therefore not justified.

Hannah Guest

INSPECTOR