



Costs Decision

Site visit made on 29 July 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Costs application in relation to Appeal Ref: APP/L3245/W/25/3364715

Existing manège building, Cosford Grange, Cosford, Albrighton TF11 9JB

- 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 Ms Claire Stokes for a full award of costs against Shropshire Council
 - The appeal was against the refusal to grant planning permission for conversion of existing manège building to provide a five-bed house and six stables.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Preliminary Matter

2. The applicant does not state whether a full or partial award is sought. Nonetheless, by reason of the information contained within the application, I have interpreted it as being one for a full award and have proceeded on that basis.

Reasons

3. 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.
4. Amongst other things, the PPG sets out that a local planning authority is at risk of an award of costs for the withdrawal of any reason for refusal or preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The applicant has set out that the appeal was entirely unnecessary, and the original application should have been allowed. The applicant also suggests that the Council were given an opportunity to reconsider their position and avoid the need for an appeal but that they failed to do so.
6. In response, the Council identify that following the determination of the application and the submission of the appeal, a new iteration of the National Planning Policy Framework (the Framework) was issued which amended the standard methodology for calculating five-year housing land supply. As a result, the Council's housing land supply position changed which had implications for decision making. Furthermore, the Council suggest that the wording of paragraph 154g) of the Framework was amended, and had the application being considered against paragraph 154g) today, it would not have been refused, as the development would no longer be

considered inappropriate and would not cause substantial harm to the openness of the Green Belt.

7. The applicant approached the Council in February 2025, following the publication of the Framework and the revised housing land supply position. In essence giving them an opportunity to reconsider their position. However, the Council, via the planning case officer, did not change their stance on the scheme. Therefore, although the Council suggest that the applicant could have submitted a new planning application, in light of the Council's comments, it is likely that the outcome, at that time, would have been the same. As a consequence, the applicant submitted the appeal, rather than a new planning application.
8. Following the submission of the appeal, the Council concedes that it is unable to defend the sole reason for refusal. However, it is not clear for what reasons. Indeed, the Council are clear in their submissions that the change to the five-year housing land supply does not change their position on the proposed development. Also, although Green Belt is cited in the reason for refusal, the Council's delegated officer report states that 'there is no specific Green Belt refusal reason for this application in relation to its principal acceptance'. The officer report also states that the 'principle reason for refusal is derived from the housing strategy for development in the open countryside'. This position is reflected in the Council's reason for refusal.
9. All in all, the Council's explanation for the change in position is vague and somewhat contradictory. Particularly in relation to Green Belt and the amended wording at paragraph 154g) of the Framework. As such, in the context of the above circumstances, I find that an appeal could have been avoided had the Council properly reconsidered their position when approached by the applicant in February 2025. Instead, they waited until the appeal had been lodged. In this situation, I agree that the Council has behaved unreasonably by withdrawing their refusal reason during the appeal.
10. Accordingly, unreasonable behaviour resulting in wasted expense, as described in the PPG, has been demonstrated, and the application for a full award of costs is allowed.

Costs Order

11. 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 Shropshire Council shall pay to Ms Claire Stokes, 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.
12. The applicant is now invited to submit to Shropshire 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.

N Bromley

INSPECTOR