



Costs Decision

Site visit made on 02 September 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Costs application in relation to Appeal Ref: APP/C3240/W/25/3367604

93 Watling Street, Wellington, Telford, Telford and Wrekin TF1 2NJ

- 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 and Mrs Kudhail for a full award of costs against Telford and Wrekin Council.
 - The appeal was against the refusal of planning permission for erection of two storey rear extensions, external alterations and change of use from single family dwelling (c3 use class) to 12 bedroom HMO (sui generis use class) for up to 12 occupants.
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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. Unreasonable behaviour may be procedural and/or substantive. In this instance, the applicant alleges that the reasons for refusal were unevidenced, lacked precision and were contrary to the view of the Highways Authority. The applicant also refers to the Council's alleged inconsistency in the application of planning policy and political involvement in the decision-making process.
3. Notwithstanding my decision in relation to the accompanying planning appeal I am satisfied that the Council presented a suitably substantiated case in support of their decision which went into appropriate detail on each of the reasons for refusal, setting out why they considered that the proposal would conflict with the cited development plan policies. Whilst the Council reached a different view to the Highways Authority, a substantiated case in support of the relevant reason for refusal was put forward.
4. I am satisfied that the Council has clearly reasoned why they considered that a bat survey was necessary. As it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, I do not consider that the Council's request for this information was unreasonable.
5. It is suggested that the Council's ecologist's consultation comments were withheld from the applicant and public view and that this prevented the applicant from responding to and commissioning the necessary survey. On the basis of the evidence before me it appears that the ecologist's comments were made on 25

March 2025 and forwarded to the applicant and published online on 29 April 2025. In response to these comments the applicant requested an extension of time to arrange for a Preliminary Roost Assessment. The application was determined on 02 May 2025 before the applicant had had the opportunity to undertake and submit the survey. I note that the Preliminary Roost Assessment was undertaken and submitted with the planning appeal. Had the Council given the applicant the opportunity to submit this survey during the planning application then part of the third reason for refusal relating to the impact of the proposal on protected species could have been avoided.

6. Nonetheless, given the Council's concerns in relation to the other main issues and in relation to Biodiversity Net Gain, the appeal would have been inevitable in any case, and I have not been presented with any compelling evidence that the delay in forwarding the ecologist's comments resulted in unnecessary expense to the applicant.
7. The applicant's case refers to allegedly similar developments where it is stated the Council adopted a different approach to matters including intensity and parking. However, there is limited information before me regarding these developments, the planning contexts in which these decisions were made, the location of these developments and their relationship to the surrounding highway network. Given this, I am unable to draw comparisons between these applications and the appeal proposal. Thus, there is no compelling evidence before me of inconsistency in the application of development plan policies by the Council.
8. There is no evidence before me that the comments from Councillor Carter influenced the Council's decision or that the Council failed to adhere to its schedule of delegation in determining the application under delegated powers.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is therefore not justified.

N Robinson

INSPECTOR