



Costs Decision

Site visit made on 11 August 2025

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Costs application in relation to Appeal Ref: APP/J1860/W/25/3364189 Land at Picken End, Hanley Swan WR8 0DH

- 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 John Furey on behalf of Oakfield Developments for a partial award of costs against Worcestershire County Council.
 - The appeal was against the refusal of planning permission for construction of 14 affordable dwellings comprising 4 x 1 bed, 4 x 2 bed and 6 x 3 bed houses with associated access, parking and landscaping.
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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 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 has alleged that the County Council behaved unreasonably by making vague and unsubstantiated assertions with respect to the content of a Unilateral Undertaking (the UU) submitted at appeal stage.
4. It is however apparent that amendments have been made to the UU that respond, if only in part, to comments and concerns raised by the County Council. For example, the final dated version of the UU names the County Council as a relevant party to receive contributions, incorporates an amended payment trigger for the Education Contribution, and includes provisions for interest to be charged upon late payments. Thus, even though other County Council requests have been rebuffed by the applicant with fair reason, it cannot be fairly asserted that the County Council's actions were unreasonable or led to unnecessary expense being incurred. To the contrary, its input seemingly contributed to the eventual production of a fit for purpose legal agreement.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Andrew Smith

INSPECTOR