



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 Mr John Furey on behalf of Oakfield Developments for a full award of costs against Malvern Hills District 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 Council behaved unreasonably by refusing planning permission contrary to Officer recommendation for development which, he suggests, ought to have been allowed as originally submitted.
4. I first note that the Council's Planning Committee Members were entitled to come to a different decision to that recommended to them by its Officers, even in circumstances where the scheme in question had been amended through the planning process in response to Officer comments/concerns. This would not be unreasonable, provided that the conclusions drawn were properly substantiated.
5. The site in question is allocated for residential development via the Hanley Castle Neighbourhood Plan (the NP). This is a factor that has influenced the successful outcome of the appeal that is the subject of this application. Even so, the extent of development proposed – centred upon the delivery of 14 units at two storey height – pushes the upper limits of the quantum of development fairly interpreted to comprise the allocation. Thus, notwithstanding my finding of compliance with the NP and/or the successful ultimate outcome of the planning appeal, it was comprehensible for the Council to identify undue adverse effects to arise.
6. Furthermore, it is of relevance that specialist consultees internal to the Council, in the areas of landscape and conservation, raised objections/concerns at different points during the determination period. This assisted in legitimising a refusal of planning permission on the basis of the grounds set out on the Council's Decision Notice. This is even though no clearly quantified level of alleged harm to the

significance of relevant heritage assets is defined, either upon the Decision Notice or within the Council's Statement of Case.

7. Moreover, it shall be seen from my decision upon the planning appeal that I have identified multiple harms – including less than substantial harm to the significance of two separate designated heritage assets – that have attracted material weight in the Overall Planning Balance.
8. Therefore, in the context set out above, development was not prevented that should clearly have been permitted such that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Andrew Smith

INSPECTOR