



Costs Decisions

Site visit made on 17 June 2025

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Costs applications in relation to Appeal Refs: APP/L3245/C/25/3359522 (Appeal A) & 3359523 (Appeal B)

The Grange, Brownhill, Ruyton Xi Towns SY4 1LR

- The applications are made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The applications are made by Mrs Jane Trask (Appeal A) and Mr Stephen Trask (Appeal B) for a full award of costs against Shropshire Council.
 - The appeals were against an enforcement notice alleging ground engineering works and remodelling of the hillside.
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Decisions

1. The applications for an award of costs are allowed in the terms set out below.

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. The PPG advises, for enforcement action, local planning authorities must carry out adequate prior investigation. They are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation that would have either avoided the need to serve the notice in the first place, or ensured that it was accurate.
3. It is clear from the evidence provided by the Council that it is aware of the works which have been carried out at the appeal site. The Council describes them in some detail in its Statement of Case. However, the enforcement notice itself does not include this detail. Furthermore, there are issues with the requirements and the plan attached to the notice.
4. The PPG is clear: An enforcement notice should enable every person who receives a copy to know exactly what, in the local planning authority's view, constitutes the breach of planning control and what steps the local planning authority require to be taken, or what activities are required to cease to remedy the breach. Given the penalties associated with non-compliance with an enforcement notice, it is essential that a notice is clear and that a recipient knows what they have done wrong and what they must do to remedy it. Enforcement notices should therefore be drafted with care.
5. This is not a case where the Council has had difficulty in investigating the breach: an application for planning permission for the works was submitted (and refused) prior to the notice being issued. It was therefore possible for the Council to draft a

notice which fairly tells the recipient what they have done wrong and what they must do to remedy it. Failing to do so was unreasonable.

6. I have found the notice is invalid beyond correction and should be quashed. Had the Council taken more care when drafting the notice, it could have ensured it was accurate. This has resulted in the applicants incurring wasted expense in appealing the enforcement notice and, as such a full award of costs is justified.

Costs Orders

7. 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 Mrs Jane Trask and Mr Stephen Trask, 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.
8. The applicants are 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.

M Savage

INSPECTOR