



Costs Decision

Site visit made on 16 September 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Costs application in relation to Appeal Ref: APP/J1860/W/25/3369488

Land at Peachley Lane, Broadheath, Lower Broadheath, Malvern Hills, WR2 6SG

- 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 Margeretta Wood Trust for a full award of costs against Malvern Hills District Council.
 - The appeal was against the refusal of “permission in principle for up to 7 dwellings”.
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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.
3. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis; failure to provide evidence to substantiate the reason for refusal; acting contrary to well-established case law and precedent; and not determining similar cases in a consistent manner.
4. It is the applicants’ view that the Council has acted unreasonably by preventing the proposal, which they consider should have been found to represent sustainable development in light of the Council’s inability to demonstrate a 5 year housing land supply and the assessment under paragraph 11d) of the National Planning Policy Framework. The applicant contends that the Planning Committee relied on generalised assertions that lacked objective justification and were not supported by substantive or site-specific evidence. Also, that the Committee ignored the Officers assessment and a response from their own statutory consultee and failed to provide any clear and defensible reasons for refusal.
5. The Council is not bound to adopt the professional or technical advice provided by its officers or the Highway Authority. The Decision Notice clearly sets out the Local Planning Authority’s reason for refusal and the policies the proposal would conflict with. The reason refers specifically to the characteristics of the appeal site. Although as part of my determination of the appeal I did not identify any conflict

with Policy SWDP 4 of the South Worcestershire Development Plan, (2016) (Local Plan), this is a matter of judgement, and it is not unreasonable for the Council to come to a different conclusion.

6. It is unhelpful that the Planning Committee struggled to articulate the reason for refusal within the scope of matters relevant to an application for permission in principle. I appreciate that the decision would have been a disappointment to the applicant following the officers' recommendation for approval. However, the Committee was not unreasonable in coming to its decision. Accessibility, particularly in more rural areas, is not an uncommon planning concern and there is nothing before me to suggest that the Council's decision was contrary to case law or precedent.
7. While it may be that the Council has approved other schemes for permission in principle that have been located adjacent to the development boundaries of categorised rural villages, the characteristics of these sites and accessibility of these schemes for pedestrians and cyclists would likely differ from the appeal site and proposal. There is no comparable example before me that demonstrates that a similar case was not considered in a similar manner.
8. The applicant has also set out some procedural concerns regarding the Planning Committee meeting. Nonetheless, the procedural arrangements of the Council's planning committee do not fall within the remit of the appeal process.
9. For the reasons set out above, I conclude that it has not been demonstrated that unreasonable behaviour has resulted in an appeal which would not have otherwise been necessary, or in unnecessary or wasted expense, as described in the PPG. Given this, and having regard to all other matters raised, an award of costs is therefore not justified.

Hannah Guest

INSPECTOR