
Costs Decision

Site visit made on 22 September 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Costs application in relation to Appeal Ref: APP/D4635/W/25/3369885 145 Merridale Road, Wolverhampton WV3 9RL

- 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 Ashlee Homes Supported Living Ltd for a full award of costs against City of Wolverhampton Council.
 - The appeal was against the refusal to grant planning permission for a proposed use of the property as a children's home.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Preliminary Matter

2. The applicant does not state whether a full or partial award is sought. Nonetheless, by reason of the information contained within the application, I have interpreted it as being one for a full award and have proceeded on that basis.

Reasons

3. 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.
4. Amongst other things, the PPG sets out that a local planning authority is at risk of an award of costs for failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The applicant has set out that the Council have failed to take into account a variety of factors, including the Written Ministerial Statement (WMS)¹, in part due to the lack of a delegated planning officer report. As such, the applicant claims that there is no substantiation of the Council's reason for refusal and no discussion of matters such as the WMS.
6. In response, the Council identify that the decision notice included a detailed reason for refusal and a detailed statement of the reasons for the decision. The Council suggest that the decision notice included amongst other things, a discussion of the need for the proposal, with explicit reference to the government policy set out in the NPPF, and details from the Council's Children's Services. As well as all of the documents submitted by the applicant, including the WMS.

¹ The Planning for Accommodation for Looked After Children Written Ministerial Statement of 23 May 2023.

7. Although not specifically referenced, there is no reason to doubt that the Council did not consider the WMS or the recent appeal decisions referred to within the appeal submission. Even so, the Council's reasons for the decision were vague and generalised.
8. In particular, while the Council suggest that the change of use to a small children's care home would reduce the supply of family housing within the area and there is enough childcare provision within Wolverhampton to meet the city's demand, this is uncorroborated. Indeed, this is where the analysis ends.
9. The Council also opted not to submit a Statement of Case to defend the reasons for refusal and / or respond to the applicant's case and the additional evidence provided. Combined with the lack of a delegated officer report and any other robust evidence, including comments from the Council's Children's Services, the proposals impact is unsubstantiated, and the Council's case is unsupported by objective analysis.
10. All in all, the Council behaved unreasonably as it failed to provide clear evidence or objective analysis to substantiate their reason for refusal, particularly on appeal. I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated.
11. Consequently, the application for a full award of costs is allowed.

Costs Order

12. 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 the City of Wolverhampton Council shall pay to Ashlee Homes Supported Living Ltd, 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.
13. The applicant is now invited to submit to the City of Wolverhampton 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.

N Bromley

INSPECTOR