
Costs Decision

Site visit made on 28 August 2025

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Costs application in relation to Appeal Ref: APP/D1835/W/25/3359985 Land off Darwin Avenue, Worcester

- 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 Tustin Holdings Ltd for a full award of costs against Worcester City Council.
 - The appeal was against the refusal of planning permission for Outline application with all matters reserved except access for the erection of up to 28 affordable 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. In regard to the further statements that have been prepared, I note that in some cases earlier versions of these reports were submitted during the application process. However, I consider that the Council had reasonable concerns about the impact of the proposed development which justified its decision, based on the information before them at the time. The submission of additional information to rebut the refusal reasons does not, in itself, demonstrate that the Council's judgement on these matters was unreasonable.
4. Whilst I have found in favour of the applicant on the matters referred to in refusal reasons 1 and 2, it was a reasonable judgement of the Council to come to a different conclusion. The Council provided sufficient evidence to substantiate their reasons for refusal in regard to these matters, providing an objective and comprehensive analysis of the proposal's impact. Accordingly, even though I have come to a different conclusion to that of the Council, it used its own judgement on these matters, which was neither generalised nor unfounded. They have not behaved unreasonably, and no unnecessary costs or wasted expense have been incurred in the appeal process in regard to these matters.
5. Consequently, the Council, having applied its own judgement and based on the information before them at the time of the decision, have not prevented or delayed development which should clearly be permitted.
6. Therefore, in conclusion, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Laura Cuthbert

INSPECTOR