
Costs Decision

Site visit made on 22 October 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2025

Appeal Ref: APP/K3415/W/25/3364668

Shenstone Business Park, Lynn Lane, Shenstone, Lichfield WS14 0EA

- 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 Anthony Green for a full award of costs against Lichfield District Council.
 - The appeal was against the refusal of planning permission for a new B8 storage unit and new office parking layout.
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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 appellant's application for costs is on the basis that the Council has acted unreasonably by not considering the proposal on its own merits and refusing the planning application because it did not involve residential development, despite the site not being available for that purpose. In addition, it acted unreasonably by not allowing further time for the submission of additional tree protection details and by requiring that a fee be paid before such requested information was accepted.
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 imposes a statutory requirement that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. Consequently, the relevant policies of the Development Plan are the starting point for any decision.
5. The Council identified policies that allocate the site for a residential led development as being key to the consideration of the principle of the proposal. As set out in my Appeal Decision, I have agreed with the Council that the proposal would be contrary to such policies.
6. As will also be seen from the Appeal Decision, I had regard to evidence presented within the appeal documents which led me to conclude that it was reasonable to consider that residential development was not deliverable on the site. This weighed in favour of the proposal.

7. However, such evidence was not presented to the Council within the submitted planning application documents. In such circumstances, I find that it was not unreasonable for the Council to conclude that there were no other material considerations which outweighed the identified harm arising from the conflict with the development plan. Its position was a legitimate exercise of planning judgement based on the evidence that was before it at that time.
8. The Council has stated that it does not require a further fee before it would accept information pertaining to the trees on the site. As such, there has been a misunderstanding on the part of the appellant in this regard. The Council has, however, confirmed that it has a publicly stated no amendments policy whereby it does not invite post-submission amendments or responses to consultee comments. Therefore, no opportunity was presented to the appellant to address the concerns raised by the Council's tree officer.
9. I agree with the Council that the appellant has the primary responsibility for the provision of information to support the proposal, including an appropriate assessment of its impact on protected trees, the need for the proposed storage space, and that the site was not available for residential development. I therefore cannot find that the Council has acted unreasonably by not requesting additional information in respect of either matter.
10. Although I have reached a different conclusion regarding the effect of the proposal on protected trees, this was with the benefit of additional information that was provided with the appeal documents. The Council reached its decision without such information, and, therefore, its concerns about the impact of the proposed development on the trees were justified. Accordingly, I find that including the third reason for refusal in its decision notice does not amount to unreasonable behaviour by the Council.
11. Consequently, I do not find that the Council prevented or delayed development which should clearly have been permitted. While I reached a different conclusion, the Council had reasonable concerns, and I am satisfied that these concerns justified its inclusion of reasons 1 and 3 in its decision.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elaine Moulton

INSPECTOR