
Costs Decision

Site visit made on 21 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Costs application in relation to Appeal Ref: APP/X3405/W/25/3371363

192 Walsall Road, Cannock, Staffordshire WS11 0JL

- 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 AYS Commercial Holdings Ltd for a full award of costs against Cannock Chase Council.
 - The appeal was against the refusal to grant planning permission for a development described as "Retrospective Planning Application for the conversion of first floor above restaurant to 6 bedroom, 9 person (Sui Generis) HMO."
-

Decision

1. The application for an award of costs is 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.
3. Amongst other things, the PPG sets out that a local planning authority is at risk of an award of costs for preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Also, the 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.
4. The applicant has set out that the Council has failed to demonstrate how much weight has been given to the acknowledged lack of a 5 year housing land supply and it is not considered that sufficient offence results against internal or external amenity space provision, and that the allegation of "insufficient amenity" is so imprecise as to be a "vague, generalised or inaccurate assertion." The applicant also claims that the Council has given undue weight to vociferous neighbour objections and that there is no evidence to support the first reason for refusal.
5. The application was refused for two reasons, against its officer's recommendation. The first reason relates to the effect of the development on the area, based on historical complaints in regard to anti-social behaviour, waste, noise and disruption. The second reason relates to insufficient amenity for occupants which would put health at risk.

6. Planning Committee Members (PCM) are not bound by the advice of their officers and are entirely within their rights to exercise judgement and maintain objections where they have a legitimate basis from the evidence and information available to them. However, where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects.
7. In respect of the first reason for refusal, although there were objections from neighbouring occupiers and concerns raised by Bridgtown Parish Council, there were no objections from the Council's Environmental Health Officer and the Police. The views of both consultees seem to have carried substantive weight in the officer's recommendation to the Planning Committee, and it was concluded that no significant harm would arise in respect of anti-social behaviour, waste, noise and disturbance and the effect of the development on the character of the area.
8. Notwithstanding the advice of the technical consultees and planning officer's, the PCM were entitled to exercise their own judgement on the matters at hand. However, the Council's statement of case does little to substantiate the reason for refusal. Indeed, the statement of case just reaffirms the two reasons for refusal as a single sentence and does not provide any other detailed or compelling evidence as to why it considers that the appeal scheme would conflict with the policies of the Development Plan or the National Planning Policy Framework (the Framework). As a consequence, the Council's decision on the first reason for refusal is vague and generalised.
9. The same could be said for the second reason for refusal, but the notable difference is that the officer's report to the planning committee concluded that the development would not provide high quality accommodation for the occupants and the development would be contrary to a policy of the development plan and the guidance of the Framework. Although, the advice of officer's was that the harm would be outweighed by the contribution that the development makes to the Council's housing supply.
10. I have taken a different view and dismissed the appeal, and even though the Council has provided limited information to defend the second reason for refusal, there is no substantive evidence to suggest that the PCM did not undertake a planning balance when reaching its decision on the planning application. As such, I am satisfied that the PCM exercised their judgement on the evidence before them when reaching its decision. On that basis, I do not consider that the Council's second reason for refusal was unreasonable or unwarranted or that the Council has prevented or delayed development which should clearly have been permitted, having regard to the development plan, national policy and other material considerations. As such, the applicant has not been put to unnecessary or wasted expense as a result of the actions of the Council in respect of reason for refusal two.
11. Overall, for the above reasons, I find that the Council behaved unreasonably as it failed to substantiate its first reason for refusal and that it relied upon vague and generalised assertions about the effect of the development on the area in regard to anti-social behaviour, waste, noise and disruption. I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. An award of costs to

cover the expenses incurred by the applicant as a result of having to contest the Council's first reason for refusal is therefore justified.

12. Consequently, the application for a partial award of costs is allowed.

Costs Order

13. 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 Cannock Chase Council shall pay to AYS Commercial Holdings Ltd the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred as a result of contesting the Council's first reason for refusal.

14. The applicant is now invited to submit to Cannock Chase 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. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

N Bromley

INSPECTOR