
Costs Decision

Hearing held on 4 November 2025

Site visit made on 4 November 2025

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Costs application in relation to Appeal Ref: APP/H1840/X/25/3368872

Long Carrant Park, Cheltenham Road, Ashton Under Hill, Worcestershire WR11 7QP

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Silverstone Parks Ltd for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the siting of four caravans in the area hatched red in addition to the lawful use of the site set out under W/23/00312/CLE.
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Decision

1. The application for a full 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. The Council's reason for refusing to issue a certificate of lawful use or development comprised two components; there would be a material change of use and there would be a breach of conditions imposed on the planning permission granted on appeal¹. However, after the appeal was lodged, the Council withdrew the first component of this reason, relying only on there being a breach of conditions.
4. The PPG explicitly states that examples of unreasonable behaviour which may result in an award of costs include the withdrawal of any reason for refusal². I note that the Council withdrew this reason on the basis that they no longer considered that the proposal would result in a material change of use. However, there is no argument made that this change of position was a result of any additional evidence presented to the Council. Reasons for refusal are the basis on which an appellant is expected to make their case and therefore should be thoroughly considered based on the evidence available at the time. Whilst it is right for both parties to keep their positions under review, it is unreasonable for reasons for refusal to be withdrawn without any reason other than simply reviewing the evidence that was available when the decision was made.
5. Accordingly, I consider the withdrawal of the reason for refusal regarding a material change of use to be unreasonable behaviour on behalf of the Council. Whilst the

¹ Appeal reference APP/H1840/W/17/3190024

² Paragraph: 047 Reference ID: 16-047-20140306

withdrawal was made early on in the appeal process, the applicant had already prepared their case addressing the material change of use component of the reason for refusal and therefore incurred unnecessary wasted expense in doing so.

6. I now turn to address the applicant's second part of their claim concerning the second component of the reason for refusal; that there would be a breach of conditions. The Council set out in their statement of case that there would be a breach of condition 2 and condition 3 attached to the planning permission. I have found that the conditions are applicable to the appeal site.
7. Condition 3 concerns planting, seeding and turfing. The Council initially argued that the proposal would result in the loss of some planting. However, they could not identify what planting would be lost through the proposal and conceded at the hearing that there would be no breach of condition 3, following the applicant's confirmation that no planting on the approved landscaping scheme would be lost. Nevertheless, there was nothing in the application documentation to indicate that there would be any effect on planting identified in the approved landscaping scheme. Accordingly, the Council's argument that there would be a breach of condition 3 was wholly unsubstantiated and therefore amounted to unreasonable behaviour.
8. In respect of condition 2 and the approved landscaping scheme that is comprised of several drawings and an appraisal listed within the condition, although I find that it applies to the appeal site, it is abundantly clear to the reasonable reader that it only applies to soft landscaping. There is no ambiguity or impreciseness that requires the reader to look beyond the wording of the condition and the details in the approved drawings. It is wholly unreasonable to consider that the approved landscaping scheme prohibits any activities or development to take place within the featureless spaces on the approved drawings or that it somehow protects any implied 'open spaces'. If that were the intention of the condition then it is almost entirely ambiguous and imprecise. The Council's argument in this regard therefore amounts to unreasonable behaviour and the applicant has incurred unnecessary costs in making their case.

Conclusion

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

10. 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 Wychavon District Council shall pay to Silverstone Parks 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.
11. The applicant is now invited to submit to Wychavon District Council details of those costs with a view to reaching agreement as to the amount.

A Walker

INSPECTOR