



Costs Decision

Hearing held on 17 June 2026

Site visit made on 17 June 2026

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2026

Costs application in relation to appeal Refs: APP/L3245/Q/26/3378204 and 6006022

Orchard Cottage, Ashford Carbonell, Shropshire SY8 4BX

- 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 S Angell for a full award of costs against Shropshire Council.
 - The appeals were against a refusal to discharge a planning obligation attached to planning permission reference 11/05428/FUL (Appeal A- APP/L3245/Q/26/3378204) and against the refusal of planning permission for a market value dwelling including detached ancillary office and alteration to existing vehicular access (Appeal B- 6006022).
-

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 relation to appeal A, it is stated that the Council behaved unreasonably by relying on an obsolete affordable housing restriction and failed to engage with the Inspector's findings in a recent enforcement appeal decision. It is stated that this led to the application to discharge the planning obligation being refused and costs incurred defending the appeal. At the hearing, the applicant also added to the costs claim that the Council failed to clarify what evidence it sought in relation to affordable housing need.
4. In relation to Appeal B, the applicant states that the Council behaved unreasonably by failing to carry out a planning balance properly, failing to consider development proposals in a consistent manner and failing to consider the appellant's personal circumstances. It is stated that this prevented development that should have been permitted and ultimately led to the planning application being refused and costs incurred defending the appeal. It is also stated that the Council initially declined to determine the planning application under Section 70A of the Town and Country Planning Act 1990 which led to significant and unnecessary delays and professional and legal costs.
5. In regard to Appeal A, I am satisfied that the Council presented a reasonably substantiated case which clearly set out why they considered the obligation was necessary including in relation to the obligation's affordable housing restrictions.

Whilst it would have been advantageous for the Council to outline the evidence they sought in support of this discharge application, it is ultimately for the applicant to ensure that all information in support of their case is submitted with the application, and the failure to seek this information does not amount to unreasonable behaviour.

6. Whilst the enforcement appeal¹ against an alleged breach of planning control in relation to extensions which took the dwelling beyond the 100m² restriction was allowed on grounds of the appellant's family/ personal needs, that decision does not confirm that the Section 106 restriction can be lifted. Rather, it states that the provisions found in the Section 106 agreement would remain in force. Given this, the extensions allowed in that appeal would be excluded from any valuation, thereby ensuring that the rental or sale price reflected the size cap restriction in the S106. I am satisfied that the Council engaged with the Inspector's findings in that decision and, notwithstanding that I have reached a different conclusion in the accompanying planning obligation discharge appeal, I am satisfied that the Council presented a case which set out the weight to be afforded to this and other decisions, including those cited as 'precedents' in the applicant's submissions.
7. In regard to Appeal B, whilst I have reached a different conclusion to the Council, I am satisfied nonetheless that the Council gave appropriate weight to all material planning considerations including the applicant's personal circumstances and the National Planning Policy Framework and set out why they considered that the conflict with the settlement strategy significantly and demonstrably outweighed the benefits of the proposal. Therefore, I am satisfied that the Council have presented a suitably substantiated case in support of their decision.
8. The PPG sets out that costs applications may relate to events before the appeal or other proceeding was brought, but costs that are unrelated to the appeal or other proceeding are ineligible. It goes on to state that all parties are expected to behave reasonably throughout the planning process, and although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded. I have not been presented with any evidence of substantive work undertaken preparing a case in respect of the submission of the pre-action protocol letter in response to the Council's initial decision to refuse to register the planning application under Section 70A of the Town and Country Planning Act 1990. Given this there is no evidence before me that these actions resulted in unnecessary or wasted expense in the appeal process.
9. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

N Robinson

INSPECTOR

¹ APP/L3245/C/23/3333460