Planning Inspectorate

Costs Decision

Site visit made on 23 September 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd October 2026

Costs application relating to Appeal Ref: APP/L3245/C/25/3364488
Fernleigh, High Street, Clive, Shrewsbury, Shropshire SY4 3JL

- The application is made by Phillip Lansdale under the Town and Country Planning Act 1990, sections 174 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5), for a partial award of costs against Shropshire Council.
- The appeal was against an enforcement notice alleging the following breaches of planning control:-
  "(i) Without planning permission, the erection of a single storey rear extension in the approximate location marked with an 'A' on the attached plan.
  (ii) Without planning permission, the formation of a vehicular access off a Class iii road facilitated by the part removal of a boundary wall to the front garden, along with engineering works to regrade land levels, creation of vehicle parking area and construction of retaining walls in the approximate location marked with a 'B' on the attached plan.
  (iii) Erection of entrance porch to front elevation."
- The enforcement notice stated that the Council did not consider it expedient to pursue formal enforcement action against the entrance porch and the notice did not contain any requirements in relation to it.

Costs decision

1. The application is refused.

Reasons for the costs decision

2. The Government's planning practice guidance ("the Guidance") indicates that the parties to an appeal are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, the party may be subject to an award of costs.

3. The applicant draws attention to NPPG 049 Reference ID: 16-049-20140306 in the Guidance, the current version of which states: -

   "Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal … Examples of this include: …

   - acting contrary to, or not following, well-established case law …

- refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management."

[NB These provisions are normally applied *mutatis mutandis* to enforcement appeals.]

4. In particular, the applicant maintains that the Council failed to deal correctly with the fallback position, the case law and the extent of harm caused, and that the Council would have amended the requirements of the enforcement notice if it had conducted sensible on-going case management. He indicates that if the Council had not acted in this way the issues arising would have been much narrower and it would have taken much less time and expense to deal with the appeal.

5. In response, the Council submit that they substantiated their case at all stages of the appeal and assessed the proposals put forward by the applicant. They concluded that the applicant's proposals did not represent realistic alternatives, given the extent of work required to change the unauthorised development. They maintain that they sought to act reasonably and proportionately throughout the process, setting out their case and providing reasons in each instance.

6. I concluded in my appeal decision that the applicant's fallback position was untenable, that the law had been misinterpreted and that the extent of the work involved meant that granting planning permission for it was statutorily precluded as part of the appeal. I recorded in my appeal decision that I did not consider that the breach of planning control was trivial or technical or that the Council had issued the enforcement notice contrary to Government guidance.

7. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the Guidance, has not been demonstrated and that a partial award of costs is not justified.

D.A.Hainsworth

INSPECTOR