
Costs Decision

Site visit made on 13 June 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Costs application in relation to Appeal Ref: APP/L3245/W/25/3361427 Land Adjacent to No.2 Farm Cottages, Arscott, SY5 0XP

- 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 Shropshire Council for a full award of costs against Mr Joseph Hamer.
 - The appeal was against the refusal of planning permission for a 4-bedroom dwelling with detached double garage.
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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 PPG states that appellants are required to behave reasonably in relation to procedural matters on the appeal. Examples of unreasonable behaviour include only supplying relevant information at appeal when it was previously requested, but not provided, at application stage, and introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen.
4. It is the Council's view that the appellant has acted unreasonably by supplying a Great Crested Newt (GCN) survey as part of the appeal, which he was aware was required from a previous application due to the appeal site's proximity to several ponds. Also, that the appellant introduced new information as part of the appeal relating to local need and personal circumstances.
5. There is no substantive evidence before me that the appellant was aware that a Great Crested Newt survey was required to support the application subject to the appeal nor that this information was requested prior to the determination of the application. The emails provided to me by the Council relate to a previous application for planning permission to extend the appellant's home, which was withdrawn some time before the application subject of the appeal was submitted. The emails show that the agent acting on behalf of the appellant at this time was made aware of the need for a GCN survey for that application. The agent, site location and proposal all differ in the current appeal. The Council's assumption that the appellant was aware of the need for a GCN survey is therefore unfounded and the appellant did not behave unreasonably by submitting a Preliminary

Ecological Assessment (PEA) as part of the appeal, which sought to address the Council's second reason for refusal.

6. The appellant's statement included some additional information regarding the appellant's agricultural business, the need for the appellant to live close to the business and the personal circumstances of the family, that was not provided as part of the application. This information was in part provided to support the appellant's willingness to accept a condition to secure the proposed dwelling as an agricultural worker's dwelling in association with Arscott Farm. This was despite the appellant having reaffirmed, as part of the appeal, that the application was for an open market dwelling.
7. I appreciate that this approach was unconventional. Indeed, following consideration of the appeal on its own merits I have found that based on the information provided, the condition would not be necessary or reasonable and would circumvent the requirements of the development plan. Nevertheless, the approach itself was not unreasonable.
8. Moreover, there is no substantive evidence before me to demonstrate that the Council incurred additional expense in the appeal process as a result of the PEA or additional information provided by the appellant. The amount of additional information in this regard was reasonably modest. The Council's response to this information was very brief and did not include any comments on the findings of the PEA. Thus, there is nothing before me to demonstrate that the Council undertook an appreciable amount of additional preparatory work in responding to the appeal.
9. It is unfortunate that the drawings initially submitted to the Council were not those relating to the appeal. The Council has not indicated when it received a copy of the relevant plans. However, its application for costs refers to it having to email the appellant's agent only once to obtain a copy. As such, there is no evidence before me that this was anything more than an oversight. Although it did result in a delay to the Council receiving a copy of the relevant plans, it does not in my view constitute unreasonable behaviour. Furthermore, there is no suggestion that the plans relating to the appeal had been amended in any way from the application plans, a copy of which were already held by the Council.
10. For the reasons above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated and that an award of costs is not justified.

Hannah Guest

INSPECTOR