



Costs Decision

Site visit made on 27 February 2026

by **John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2026

Costs application in relation to Appeal Ref: 6002979

Land at Home Farm, Longville in the Dale, Shropshire TF13 6DS

- 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 John Lea & Sons.
 - The appeal was against the refusal of planning permission for the erection of 9 dwellings.
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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. The Planning Practice Guidance (PPG) advises that costs may only 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.

Pre-application and application stages

3. A pre-application enquiry was submitted, on behalf of the present appellants, in January 2020, for a development of 10 dwellings. The Council's reply, in September 2020, drew attention to the relevant planning policies, including SCS Policies CS1 and CS5, and SAMDev Policy 7a, and their implications for the site. It also highlighted relevant site-specific issues relating to the Home Farm listed building, the AONB, and the site access. The letter advised that it was considered unlikely that planning permission would be granted at that time, although policies on affordable housing in particular could change in the new local plan that was at that time still being progressed. It was also advised that any application should be made for full permission rather than outline.
4. In the event, the appellants eventually proceeded with an outline application in April 2025. The application was accompanied initially by a location plan, an illustrative layout, a planning statement, heritage statement, arboricultural report, ecological appraisal and BNG metric. During the course of the application, in May 2025, these were supplemented by revised location and illustrative plans, designed to overcome initial highways comments, and an updated heritage statement reflecting these changes.
5. By the time the appellants submitted their application in April 2025, the position had evidently changed from that at the time of the Council's pre-application letter, in that the County no longer had a 5-year housing supply, and it had also become clear that the new local plan was unlikely to proceed. In these circumstances, it was reasonable for the appellants to wish to test the overall policy position.

6. The wisdom of the appellants' decision to proceed via an outline scheme, with only limited supporting material, was perhaps more questionable. In the light of the pre-application advice, it might have improved their chances of success, or at least of reducing the issues, had they chosen to submit more detail and more supporting evidence, particularly with regard to the access design, highway safety and landscape impact. But equally, the Council could have requested that information. Whatever its shortcomings, the making of the application in the form chosen by the appellants does not appear to me to have put the Council at any particular disadvantage, nor caused it any additional expense.
7. When the appellants submitted their revised plans in May 2025, which involved a minor change to the site boundary, it would have helped to avoid uncertainty if the BNG metric had been updated. But it does not appear that the Council requested such an update, or that they resisted the change itself, as they would have been entitled to do. To my mind, there seems no doubt that the changes made at this stage were part of a genuine attempt to overcome the emerging issue of highway visibility. I agree that it is somewhat surprising that this issue was not anticipated earlier, given that highway matters were covered in the pre-application response. And in the light of subsequent events, it is now clear that this initial attempt to address the point was not very well conceived. But nevertheless, the appellants' attempt to engage with the Council proactively on the access issue at this stage, belated and half-hearted though that attempt was, was clearly a step in the right direction. Again there is no evidence that the Council was put to extra expense as a result. I therefore see no basis for any suggestion that the appellants' conduct in these matters amounted to unreasonable behaviour.

Appeal stage

8. Following the Council's refusal, the appellants chose to contest the decision, by lodging an appeal. They did so without the benefit of any specialist landscape evidence to rebut refusal reason No 2, which related to the impact on the National Landscape. I agree that the failure to produce any expert evidence on this issue was ill-judged, because such evidence might have been able to demonstrate that the proposed development, even based on the submitted illustrative plan, was capable of being made acceptable in landscape terms. But the lack of any such landscape evidence did not mean that the appeal was bound to fail, because landscape impact is necessarily a matter of planning judgement, where opinions, including expert ones, may legitimately differ. Nor does it seem to me that the lack of landscape evidence could have caused the Council to incur any additional expense. In any event, in this particular case the decision to proceed without landscape evidence was not unreasonable.
9. At the appeal stage, the appellants introduced a further revised layout plan, but the only change was to indicate that T1 was no longer considered to need to be removed. Given that the plan was illustrative, this minor change did not involve any change to the terms of the application, and did not amount to an attempt to evolve the scheme. The revised plan had no effect on the application site boundary. The introduction of the revised illustrative plan was therefore reasonable.
10. Alongside this revised plan, the appellants produced technical highways evidence, plus a further consequential update to the heritage statement. I agree that it might have been better if the highways evidence had been produced at the application stage, not least because it might have helped the appellants to advance their case

through further discussions with the highways authority. But at the appeal stage, the highways evidence seems to me a reasonable and proportionate response to refusal reason No 3. Whilst I have not agreed with that evidence in all respects, the decision came down to a matter of judgement. It was therefore not unreasonable to put an alternative point of view. I appreciate that the Council has had to devote time and resources to considering this additional evidence and formulating its response, including liaison with the relevant consultees. But that work would have been necessary at some stage in any event, because the Council is under a duty to engage in a positive and proactive manner. I can see no evidence that the appellants' failure to submit detailed highway evidence earlier in the process led the Council to incur additional or unnecessary expense. In respect of these matters therefore, the appellants' conduct of the appeal was not unreasonable.

Conclusion

11. From the evidence before me, it has not been demonstrated that the appellants' behaviour in respect of either the application or the appeal was unreasonable. Nor has it been shown that any such behaviour led the Council to incur unnecessary or wasted expense. The application for an award of costs is therefore refused.

J Felgate

INSPECTOR