



Costs Decision

Site visit made on 9 April 2026

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Costs application in relation to Appeal Ref: 6003478

Top House Farm, Rhosygadfa, Gobowen, Shropshire SY10 7BP

- 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. Justin Stevenson for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the proposed renovation of existing dwelling including external insulation, render and timber cladding, new glazing and porch.
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Decision

1. The application for an award of costs is refused.

Preliminary Matter

2. The applicant does not state whether a full or partial award is sought. Nonetheless, by reason of the information contained within the application, I have interpreted it as being one for a full award and have proceeded on that basis.

Reasons

3. 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.
4. The applicant has set out that the Council has acted unreasonably by; failing to identify non-designated heritage assets, inconsistent decision-making, not visiting the site, failure to consider Paragraph 167 of the National Planning Policy Framework (the Framework), applying policies in the Framework relating to designated heritage assets, providing no opportunity to respond to the conservation officer's comments, and not making the applicant aware of the reasons for refusal before issuing the decision.
5. The PPG advises that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs. Likewise, where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application.
6. The Council produced a delegated officer report which provides background to the decision to refuse the application, and the Council's statement of case further

expands on the issues raised within the officer report, and the reason for refusal. While a site visit was not undertaken, the site has previous planning application¹ history whereby the historic farmstead was identified as a non-designated heritage asset (NDHA).

7. Why the Council does not have a Local List is not known, but nevertheless, it is not within my remit, and / or the scope of this appeal to establish the reasons why they do not. Ultimately, the Council identified the farmstead as a NDHA and found that the proposed development would be harmful and contrary to specific policies of the development plan. Also, reason for refusal (RfR) two states that the proposed development does not provide public benefits which outweigh the adverse effect on the significance of the existing dwelling as a NDHA, which demonstrates that a balanced judgement was made in respect of the harm identified in RfR one. The reasons for refusal are complete, precise, specific and relevant to the application. I am also not persuaded that the Council has been inconsistent in the decision-making process in the context of the previous application history of the site.
8. Although the lack of a site visit meant that the current condition of the site and buildings were unknown to the Council, their explanation for not carrying out a site visit in this regard is plausible, albeit slightly unorthodox. Also, even if a site visit was undertaken, the Council were decisive in their decision that the appeal scheme, due to the proposed design not being appropriate, that there would be harm to the character and visual appearance of the existing dwelling, as an NDHA, and the surrounding area. I have agreed with the Council in this respect.
9. As Paragraph 167 of the Framework was not highlighted during the planning application, the Council did not identify it as a public benefit. Once it was highlighted at appeal, the Council considered it as a material consideration, concluding that it does not alter their decision. Furthermore, their justification for applying the weight it did to Paragraph 167 was not wholly unreasonable.
10. Overall, it is unclear how an appeal could have been avoided and I am satisfied that the Council's determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did.
11. In terms of the Council's handling of the planning application, the planning case officer requested an extension of time from the applicant on 5 December 2025, but the Council suggest that no response was received to that request. I am also told that the Conservation Officer's comments were published on 9 December 2025. A decision on the planning application was not issued until 17 December 2025. In these circumstances, there was an opportunity for the applicant to engage with the Council. Although, the period was relatively short, the Council were understandably eager to meet their deadlines and obligations also.
12. Consequently, for the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bromley

INSPECTOR

¹ Council reference: 17/01028/OUT