
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: 05 May 2026

Costs application in relation to Appeal Ref: 6004043

Marche Buildings, Unit B2, Marche Lane, Halfway House, Shrewsbury, Shropshire SY5 9DE

- 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. Kevin Peake for a full award of costs against Shropshire Council.
 - The appeal was against condition numbers 4, 5 and 8 of planning permission Ref 25/02334/FUL approved on 11 August 2025 for extension and alterations to existing industrial outbuildings.
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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. Amongst other things, the PPG sets out that a local planning authority (the LPA) is at risk of an award of costs for imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework (the Framework). Also, that 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.
5. The appellant has set out that the appeal could have been avoided had the LPA agreed to engage with the appellant's suggested compromise wording for the conditions.
6. In response, the LPA suggest that they responded appropriately and within reasonable timeframes to the appellants 'Letter before Claim'. The LPA also suggest that if the applicant did not agree with or wished to alter the conditions subsequently appealed against, then there was an opportunity to submit a Section

73 application which would have allowed the appellant to justify the removal or alteration of the conditions. However, the LPA highlight that the appellant chose not to do this.

7. Each of the planning conditions included a reason for the condition and although justification for the conditions, within the delegated officer report, was brief, the LPA had clearly taken into account the appellant's Preliminary Ecological Appraisal (the PEA), the consultation comments of the Council's Ecology Officer and its own Ecology Standing Advice, when reaching its decision and imposing the conditions. Indeed, the PEA makes similar, albeit less stringent suggestions to the subsequently imposed ecology-based conditions that are in dispute.
8. The LPA also responded to the appellant's 'Letter before Claim', setting out its stance on those conditions. The subsequent Statement of Case prepared by the LPA continues to defend their position and maintains that all three conditions meet the statutory and policy tests set out in the Framework and PPG.
9. I acknowledge the significant number of previous planning permissions highlighted by the applicant where restrictions on hours of operation were not imposed. However, while an LPA should behave in a consistent manner, the issue of noise is highly fact sensitive and site specific, turning on the individual circumstances of each case. As such, it is difficult to draw sufficient comparisons between those cases and the appeal scheme. In any event, the imposition of a restriction on the hours of operation, for industrial / commercial uses in a quiet rural location, close to houses, is not without logic.
10. In the above circumstances, although I have found that all three disputed conditions are not reasonable and necessary to make the development acceptable, on balance I am satisfied that the Council's reasoning and planning judgement for imposing the conditions is credible.
11. The applicant could have submitted a planning application under Section 73 of the Town and Country Planning Act 1990 (as amended), to vary or remove the conditions, rather than pursue the appeal. Therefore, it seems to me that the appellant chose to lodge an appeal, as opposed to a new planning application. As such, I am satisfied that the applicant has not been put to unnecessary or wasted expense as a result of the actions of the Council.
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