
Costs Decision

Site visit made on 5 May 2026

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Costs application in relation to Appeal Ref: 6004374 Land South of Pear Tree Lane, Whitchurch, SY13 3NG

- 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 R & C Fearnall for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of permission in principle for: residential development of between 3 and 5 dwelling houses.
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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. Unreasonable behaviour on the part of a local planning authority may include not determining similar cases in a consistent manner and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. In this regard, the applicant's case asserts unreasonable behaviour on the part of the Council for the following reasons. First that the Council's decision was not consistent with the decision on another site on Pear Tree Lane. Second that the Council went beyond the scope of what can be considered for an application for Permission in Principle (PiP). Finally, the appellant asserts that the Council failed to apply the tilted balance when determining the application.
5. With respect to consistency in decision making, as I have set out in my appeal decision, the Council's evidence indicates that the other site on Pear Tree Lane (application ref 25/04392/PIP) has materially different characteristics to the appeal site in terms of its relationship to existing development. Therefore, although both sites are located outside of the settlement boundary and are determined according to the same development plan policies, the differing site contexts may reasonably result in different decisions. As such, I have no substantive evidence to show that the Council has been inconsistent in its approach to decision making.
6. The applicant asserts that the Council went beyond the scope of what can be considered for an application for PiP by considering settlement pattern and landscape character. The scope of PiP is limited to location, land use and amount of development. Planning Practice Guidance (PPG) states that issues relevant to

these 'in principle' matters should be considered at the PiP stage (Paragraph: 012 Reference ID: 58-012-20180615). PPG also states that a decision on whether to grant PiP must be made in accordance with relevant policies in the development plan unless there are material considerations which indicate otherwise (Paragraph: 011 Reference ID: 58-011-20180615).

7. In this case, in the context of relevant development plan policies, as set out in my appeal decision, the type of development and the location of the site, relative to existing built form and the surrounding landscape, are 'in principle' considerations. Accordingly, I do not find that the Council went beyond the scope of what can be considered for an application for PiP.
8. Finally, the applicant asserts that the Council failed to apply the tilted balance set out at paragraph 11d) of the National Planning Policy Framework (the Framework). The Council's officer report sets out the housing land supply position and weighs the benefits and harms of the proposal, in the context of paragraph 11d). The Council therefore did not fail to apply the titled balance to the appeal proposal.
9. It is asserted that, for the other site on Pear Tree Lane, the Council determined that the benefits of the proposal in that case significantly and demonstrably outweighed any harms. However, each proposal is determined on its own merits and so that does not mean that the same conclusion should automatically be reached for the appeal site. In this case, as I have set out above and in my appeal decision, the evidence before me indicates there are material differences between the two sites. Therefore, it is not unreasonable to reach different conclusions on the two sites, in the context of the tilted balance.

Conclusion

10. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

A O'Neill

INSPECTOR