
Costs Decision

Hearing held on 12 March 2026 & 5 May 2026

Site visit made on 5 May 2026

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2026

Costs application in relation to Appeal Ref: 6001474

Land at Oldbury Road, Oldbury Road, Bridgnorth, WV16 5DZ

- 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 David Doley for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for Cross Subsidy Housing Scheme comprising of 2 No semi-detached two storey affordable houses, 2 No detached two storey affordable dwellings, 4 No detached two storey open market dwellings and 2 No semi-detached open market dwellings, all with garages, construction of new access road and alterations to existing field access.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 identifies the late introduction of fresh and substantial evidence, where it necessitates an adjournment or causes extra preparatory expense, as conduct that may justify a procedural award of costs. It also explains that a substantive award may arise where a local planning authority prevents or delays development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.
4. The Council introduced late evidence on affordable housing shortly before the hearing. It also produced new highway safety evidence less than two days before the hearing opened.
5. Both the applicant's Planning Statement and Affordable Housing Statement, submitted with the original application, made clear from the outset that the proposal would provide four discounted market units at 20% below local market value. That position was repeated in the appeal evidence. Although the Council refused the application partly because of the overall level and mix of affordable housing, it did not object to the proposed level of discount in the committee report, its reasons for refusal, or its original appeal statement of case. It was therefore unreasonable for the level of subsidy for affordable housing to emerge as an issue of contention only during the Council's review of the draft Section 106 agreement, shortly before the hearing, and then for it to be reinforced by late evidence.

6. The Council has also not provided any robust reasons why the highway evidence could not have been produced at an appropriate stage, notably as part of its original appeal statement of case.
7. At the opening of the hearing, the Council indicated that it did not wish to rely on the late highway evidence as a further reason for dismissing the appeal. However, because the evidence raised highway safety matters, it could not simply be disregarded. Its implications had to be properly understood and tested before the appeal could fairly be determined.
8. The timing of the Council's new evidence, and the limited supporting explanation for it, meant that the applicant could not reasonably be expected to respond to it fairly at the initial hearing. The hearing therefore had to be adjourned so that the evidence could be properly considered and addressed. The further hearing day, and the associated preparation, were avoidable. They arose directly from the Council's late production of evidence and associated new issues and caused unnecessary or wasted expense to the applicant.
9. I also have concerns about the Council's wider conduct. Its case developed in a piecemeal way before the initial hearing. Although invited to update its statement of case between the hearing sessions for clarity, it broadened or reframed aspects of its reasons for refusal. Further concerns arise from its approach to the cross-subsidy nature of the proposal and its conclusion that the site was in an unsustainable location, given previous appeal decisions at the site, nearby permissions and its own pre-application advice.
10. Nevertheless, I do not find that the Council acted unreasonably in refusing planning permission. It identified harm to the character and appearance of the area, including the Oldbury Conservation Area. While I do not share the same level of concern about the detailed design of the proposed development, I also found the proposal would cause such harm. The Council appears to have considered that harm against the relevant policy and statutory tests. Although I have reached a different overall planning balance, that does not make the refusal unreasonable. The balance was a matter of planning judgement. Previous Inspectors have also found harm from similar-scale schemes in this location to outweigh the benefits of housing development, albeit the precise contexts differed.
11. Even if the Council had accepted the affordable housing contribution as exceeding policy requirements, or the site as being in a sustainable location, I cannot be certain that the Council still wouldn't have found that the adverse impacts of the development to have significantly and demonstrably outweighed its benefits when assessed against the policies of the Framework taken as a whole. As such, an appeal may still have been necessary. A full award of costs is therefore not justified.
12. In summary, the Council's late introduction of affordable housing and highway safety evidence caused the hearing to be adjourned and reopened for a further day, with consequent additional preparation and attendance costs for the applicant. Those costs were avoidable and arose directly from the Council's unreasonable conduct. A partial award of costs is therefore warranted.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mr David Doley the costs of the appeal proceedings described in the heading of this decision, limited to the reasonable costs arising from preparation for, and attendance at the reopened hearing date, including costs directly attributable to considering and responding to the late highway safety and affordable housing evidence; such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Lewis Condé

INSPECTOR