
Costs Decision

Site visit made on 2 September 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Costs application in relation to Appeal Ref: 6008785

Land adjacent Hanley House, Hook-a-Gate, Shrewsbury SY5 8BE

- 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 & Mrs Richards for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for outline application for the erection of two 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. However, the Planning Practice Guidance 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 applicants contend that the Council has made inconsistent decisions, introduced new reasons for refusal, failed to consider submitted evidence, and failed to engage positively and proactively.
4. A previous planning application¹ is materially different to the current appeal in that, amongst other things, it was for fewer dwellings on a smaller site. This previous application concluded that Hook-a-Gate is considered a sustainable location for new housing development due to its identification as a Community Cluster Settlement in the Development Plan. However, the Council's case on the current appeal demonstrates that an objective analysis of the accessibility to services and facilities was undertaken, resulting in a different conclusion, and that most day-to-day needs for future occupants would be met by car use. This included the range of those services and facilities provided within Hook-a-Gate itself as well as the sustainable travel options to a broader provision in Bayston Hill and Shrewsbury. The Council also demonstrated consideration of the 2018 Strategic Land Availability Assessment.
5. In the determination of both applications, the Council found that the sites were not within the settlement. The officer report on the previous application identified that the site had a strong visual connection to the open fields and broader countryside, which was reflected in the reason for refusal relating to the siting of an isolated dwelling. I have found this to be generally consistent with the Council's concerns

¹ Planning Decision Ref: 25/00817/OUT

- with the current appeal scheme's impact on the pattern and grain of existing development.
6. Whilst an indicative plan was submitted with the current appeal scheme, there are no details before me identifying whether such an indicative plan was submitted with the previous planning application. On the basis of the provision of the indicative plan, it is reasonable that the Council made an assessment on the impact of the proposal, subject to the appeal, on living conditions.
 7. Moreover, the application form on the appeal scheme stated that if the development is granted, the general Biodiversity Gain Condition would apply. No compelling evidence has been presented showing that this also applied to the previous application. Although the Council's Ecologist raised no concern with the submitted Preliminary Ecological Appraisal, it is evident that the Council took into consideration the comments from the Tree Officer with regard to the space given to the tree planting. Whilst I did not share the Council's conclusion on this main issue, the decision maker is not compelled to agree with the advice received. In this instance, reasonable planning grounds have been illustrated for taking a contrary view.
 8. DM3 of the National Planning Policy Framework (Framework) requires local planning authorities to, inter alia, work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision, and take account of planning matters raised during any pre-application engagement. Although I understand that pre-application discussions were not undertaken with either planning application, there was communication following a review at a pre-validation stage of the second application.
 9. Whilst I appreciate the applicants' frustration, and that they have followed a number of procedures and sought to address the previous reason for refusal, I am satisfied that the Council has exercised its duty to determine the planning application, subject to the appeal, in a reasonable manner. It refused the planning application on the grounds it was not in accordance with the development plan, and no material considerations, including the Framework, indicated that planning permission should be granted.

Conclusion

10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Barton

INSPECTOR