
Costs Decision

Site visit made on 20 September 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2016

Costs application in relation to Appeal Ref: APP/L3245/W/16/3154498 Cwm Bydd Farm, Clunton, Craven Arms, Shropshire SY7 0QH

- 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 Griffiths for a full award of costs against Shropshire Council.
 - The appeal was against the grant subject to conditions of planning permission for the change of use of land for the siting of a holiday caravan.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals should normally meet their own expenses. However, costs may be awarded where a party has behaved unreasonably and that behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. It makes clear that a local planning authority is required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour for both^[1]. The application was made in writing and therefore there is no need to rehearse the detailed points made.
4. The main thrust of the applicants' case is that the Council imposed a condition that is onerous and fails to meet the tests set out within the National Planning Policy Framework and the PPG. The applicants, therefore, incurred unnecessary and wasted expense in pursuing an appeal which should not have been required.
5. The Council accepts that the positive weighting placed upon farm diversification led to planning permission being granted. However, as the proposal is contrary to Policy CS16 of the Shropshire Core Strategy (the CS) the Council considers that Condition No 1 was necessary and reasonable to monitor the progress of the holiday let business to ensure that a business would not be established contrary to the development plan.

^[1] Paragraph: 047 Reference ID: 16-047-20140306 and Paragraph: 049 Reference ID: 16-049-20140306

6. The imposition of the condition was one which was a matter of judgment and the Council's Officer Report, statement of case and its associated evidence adequately justify why the Council considered the condition to be necessary and reasonable. Even though in my decision on the appeal I have supported the applicants, I do not consider that the Council's evidence which explained the reasons for the Council's stance was materially deficient in its reasoning.
7. In these circumstances, I consider overall that the Council's actions in imposing the disputed condition do not amount to unreasonable behaviour. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been not been demonstrated.

D. Boffin

INSPECTOR