

Costs Decision

Site visit made on 14 September 2016

by David M H Rose BA (Hons) MRTPI

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

Decision date: 18 November 2016

Costs application in relation to Appeal Ref: APP/L3245/W/16/3150475 Land opposite North Farm, Whitcliff, Ludlow, Shropshire, SY8 2HD

- 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 Peter Dickin for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for a dwelling and garage.
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Decision

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

Reasons

2. 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. Although the application is for a full award of costs, there is no allegation of unreasonable behaviour in relation to the first reason for refusal. In any event, I have found the proposal to be at odds with the distribution of development set out in the development plan. No unreasonable behaviour has occurred.
4. In terms of the second reason, it is important that the potential effects of development on ecological interests are properly understood at application stage. Whilst the appellant submitted a Protected Species Report, I have endorsed the deficiencies identified by the local planning authority as set out in my appeal decision. The matters raised were not unreasonable.
5. As to the third reason, the Design and Access Statement explains that the existing access is already stoned and, apart from some maintenance, it is not intended to make any alterations. Nonetheless, as indicated in my appeal decision, this by itself does not provide a sufficient basis to reach an informed conclusion. Without further information, set out within an arboricultural assessment, the local planning authority had reasonable grounds to include this as a reason for refusal.
6. Overall, I consider that the Council's reasons for refusal were not unreasonable and it has provided sufficient evidence to support its decision. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

David MH Rose

Inspector