
Costs Decision

Site visit made on 24 January 2017

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 31 March 2017

Costs application in relation to Appeal Ref: APP/L3245/W/16/3160708 Long Meadow Drive, Abbey Foregate, Shrewsbury, Shropshire SY2 6NA

- 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 and Mrs C Goode for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the erection of 3 dwellings and garages.
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Decision

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

Reasons

2. The Planning Practice Guidance makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. Each party is required to behave reasonably in respect of procedural matters at the appeal and with respect to the substance of the matter under appeal.
 3. The appellants consider that the Council's decision was based upon inadequate and insufficient information particularly with regard to the loss of trees upon the site and the consequent impact on the Rea Valley. Since the planning application was refused the appellants have presented updated information to the Council including a Heritage Impact Assessment (HIA), Landscape and Visual Appraisal (LVA) and a drawing showing the trees to be retained on the site. Pre-application discussions have been commenced and the Council has indicated that a reduced scheme on the site would be likely to be supported.
 4. In light of these discussions the appellants consider that the Council should have sought to offer no evidence to support its case for refusing the planning application for 3 dwellings on the site, or at least acknowledged that the visual and physical intrusion was no longer considered an overriding issue.
 5. Whilst noting the appellants' concerns, I find that it was entirely reasonable of the Council to defend its refusal of planning permission. It did not have the LVA, the HIA or the drawing showing the trees to be retained in proposed plots 1 and 2 when it determined the planning application. The appellants chose to commission the reports to support their case. They were a necessary part of the appeal process. It was at my discretion to accept the reports at the appeal
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stage, and had I not, I may have reached different conclusions in respect of the merits of the case.

6. I am satisfied that the Council considered the planning application on the basis of the evidence before it at the time and that it has substantiated its concerns within the comprehensive report submitted with the appeal. It is not necessary for a separate statement of case to be submitted at the appeal stage, particularly when the merits of the case are set out in a detailed report, including relevant policies, consultation responses, and an assessment of the merits of the scheme.
7. The Council's support for a lesser number of dwellings on the site was drawn to my attention by the appellants as part of their submissions, and I considered this matter accordingly. The fact that the Council did not comment on this matter is not an indication of unreasonable behaviour. It seems entirely reasonable to me that the Council has engaged in discussions with the appellants about a possible solution to the development of the site.
8. In light of my findings I conclude that unreasonable behaviour resulting in unnecessary expense has not been demonstrated. The application for an award of costs fails.

R C Kirby

INSPECTOR