
Costs Decision

Site visit made on 10 April 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 04 May 2017

Costs application in relation to Appeal Ref: APP/L3245/W/17/3167186 Birch Cottages, Button Bridge, Kinlet, Bewdley DY12 3DW

- 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 Mrs Christine Parry for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for erection of two detached dwellings and formation of a new vehicular access.
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Decision

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

Reasons

2. The Government's 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. This application is progressed on substantive grounds, namely that the Council failed to consider evidence submitted by the appellant regarding whether or not the appeal site resides within a settlement for the purposes of the development plan. This matter formed the basis of one of the Council's reasons for refusal on its decision notice.
 4. The applicant in this case, at both planning application and appeal stage submitted historical evidence from various sources to the effect that a settlement called 'Coppicegate' as annotated on the Ordnance Survey map of the area, in the environs of the appeal site, does not exist. Furthermore, the applicant submitted evidence suggesting that the appeal site has a Button Bridge postcode and address. The Parish Council's Parish Plan of January 2006 also identifies Button Bridge as a 'scattered settlement on the edge of Wyre Forest', and refers to 'Coppice Gate' as a holiday home park. The applicant considers that the alleged failure of the Council's Planning Policy Team to assess this information and the Council's apparent reliance on a Wikipedia 'stub' entry regarding Coppicegate are examples of unreasonable behaviour that have resulted in wasted and unnecessary expense at appeal stage.
 5. The matter of whether or not a site is within a settlement is essentially a planning judgement based largely on the spatial characteristics of the site and settlement concerned. Given this the Council was not unreasonable to consider, despite the submitted evidence of the appellant, that the appeal site
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lies outside of the settlement of Button Bridge for the purposes of the development plan. Moreover, for the reasons given in my appeal decision, this is a conclusion that I have arrived at based on the material considerations before me.

6. Whilst I note that the Council makes reference to the Coppicegate Wikipedia article, I consider that it did not rely solely on this in its assessment of the principle of development of the appeal site, and in arriving at this view I am mindful also of the annotation 'Coppicegate' on the Ordnance Survey map of the area, which is an information source of considerable authority. Furthermore, I consider that other material considerations regarding the appeal site's location were fully taken into account in the Council's assessment of the planning merits of the proposed development and that these informed its assessment against the relevant policies of the development plan.
7. Accordingly, these considerations lead me to the view that the Council has not behaved unreasonably either in its handling of the application, or its response to the appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. As a result, this application for costs fails.

G J Fort

INSPECTOR