



Costs Decision

Site visit made on 25 November 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 4 February 2020

Costs application in relation to Appeal Ref: APP/L3245/W/19/3236850 Brickyard Farm, Poynton Road, Shawbury, Shrewsbury, SY4 4JR

- 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 Masters for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for erection of one detached two storey dwelling together with formation of new vehicular access and alterations to the current access.
-

Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The 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. Costs may be awarded to any party regardless of the outcome of the appeal.
4. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes substantive matters such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The application for costs centres on the appellant's concern that the Council acted unreasonably in reaching its decision on the planning application as they did not have due regard to the submitted Heritage Statement and did not have regard to the categorisation as a windfall site within the Shawbury Community Hub.
6. It is clear from the officer's report that the Council had regard to the Heritage Statement and that they did not agree with its conclusion. This is a matter of disagreement between the parties and not unreasonable behaviour.

7. In addition, the report explains the policy position of Shawbury being a Community Hub and outlines the progress made towards the guideline figure for development in Policy MD3 of the Shropshire Council Site Allocations and Management of Development. The assessment of the level of growth within the Community Hub and whether the proposal is in accordance with the Development Plan is a matter for the Council to consider in determining the application. The weight that is afforded to the conformity with the Development Plan is a matter of planning judgement.
8. Consequently, the matter was one of a fundamental disagreement between the parties which could have only been resolved by way of an appeal. As such unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified.
9. For this reason and taking into account all other matters raised, I recommend that the application is refused.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Susan Ashworth

INSPECTOR