



Costs Decision

Site visit made on 21 January 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Costs application in relation to Appeal Ref: APP/L3245/W/19/3240492 Cartway Cottage, Abdon, Craven Arms, Shropshire, SY7 9HX

- 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 S Graham for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for a detached 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. The appellant submits that the Council has acted unreasonably and therefore caused the appellant to incur unnecessary expense because:
 - 1) The Council's planning committee refused the application, contrary to the advice of the case officer; and
 - 2) Conditions could have been used to overcome their concerns.
4. The case officer's report makes clear that his recommendation was delicately balanced and that because proposals would have an impact on character and appearance of the AONB landscape, this was ultimately a matter of judgement. In this case, the planning committee was entitled to come to their own view, as long as an informed case could be made for the contrary position. Committee members were fully informed through a site visit and a presentation by the appellant and their agent. Substantial reasons for refusal are clearly provided on the refusal notice and linked to local and national planning policies.
5. As set out in my decision I considered the imposition of conditions relating to, amongst other things, a tree planted bund and colours and materials to be used on the proposed garage, but found that these would not sufficiently mitigate the harm identified to the character and appearance of the surrounding area and AONB. Consequently, I do not consider conditions could have overcome the Council's concerns.

6. In light of the above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. The award for costs is therefore not justified.

B Davies

INSPECTOR