



Costs Decision

Site visit made on 7 February 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2020

Costs application in relation to Appeal Ref: APP/C3240/W/19/3240319 The Hare and Hounds, Holyhead Road, Oakengates, Telford TF2 6DJ

- 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 Punch Partnerships (PML) Ltd for a full award of costs against Telford and Wrekin Council.
 - The appeal was against the refusal of planning permission for the construction of three detached dwellings (Use Class C3) to the rear of the Hare & Hounds Public House, together with the relocation of the outdoor beer garden, reconfiguration of the public house car park, shared access for the public house and proposed dwellings, associated car parking, landscaping, dedicated pedestrian access and other ancillary works.
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Decision

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

Reasons

2. 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. The general principle embodied within the guidance is that the parties involved should normally meet their own expenses. I have carefully considered the matter of a full, and indeed, a partial award of costs.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal, and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, and/or refuses planning permission on a ground capable of being dealt with by conditions.
4. The appellant submits that the Council have behaved unreasonably by refusing the application on parking and highways safety grounds outlined in reason three of the Council's decision notice. With particular regard to the Council's analysis of the submitted transport statement and car parking survey. Therefore, the appellant considers reason three to be unsubstantiated and based on inaccurate assertions.
5. However, I am satisfied that the Council's reason for refusal set out in the decision notice, is complete, precise, specific and relevant to the application, and clearly states the policies of the Local Plan that the proposal would be in conflict. Furthermore, the analysis of the issue within the Council officers report is also reasonable. These have not resulted in the appellant incurring

unnecessary or wasted expense in the appeal process. Therefore, the Council have not acted unreasonable in this regard.

6. The refusal of planning permission therefore does not constitute unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG, and the appellant has not been faced with the unnecessary expense of lodging the appeal.

R Cooper

INSPECTOR