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## Costs Decision

Site visit made on 10 June 2020

**by Mark Dakeyne BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> July 2020**

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### **Costs application in relation to Appeal Ref: APP/C3240/W/20/3248046 Doseley Industrial Estate, Frame Lane, Doseley, Telford TF4 3BZ**

- 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 A Smith, Phoenix Mason UK, for a full award of costs against Telford and Wrekin Council.
  - The appeal was against the refusal of planning permission for the erection of 18 no. dwellings and 9 no. apartments following demolition of existing industrial estate.
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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 reason for refusal was substantiated at the appeal stage with reference to material planning considerations, relevant local plan policies and the National Planning Policy Framework. The fact that there was compliance with a raft of local and national policies did not preclude the Council from finding harm on determinative matters and conflict with the most important Local Plan policies for determining the application, Policies BE1 and SP4. The Council took into account all relevant issues in its committee report, including potential benefits, and undertook an appropriate planning balance.
4. There was dialogue between the Council and the appellant before the application was determined and this resulted in the submission of amended proposals and additional information which narrowed the issues in dispute. The Council's Environmental Officer came to the view that the mitigation proposed, including the use of non-opening windows, would offer an acceptable internal noise environment. However, whilst the views of a consultee should be taken into account, the local planning authority was the decision maker and entitled to consider whether the living environment would be acceptable in the round.
5. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Mark Dakeyne*

INSPECTOR