



Costs Decision

Site visit made on 29 October 2020

by R Morgan MCD MRTPI

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

Decision date: 17th December 2020

Costs application in relation to Appeal Ref: APP/L3245/W/20/3256372 Land to rear of Beechcroft & Maroc, Off Vicarage Lane, Highley BRIDGNORTH, WV16 6JT

- 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 R Whittle for a full award of costs against Shropshire Council
 - The appeal was against the refusal of planning permission for erection of 5 No dwellings; formation of new access road and vehicular access to include layout incorporating open space (with all other matters reserved).
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Guidance sets out examples of behaviour by local planning authorities which may give rise to an award of costs. The applicant asserts that in this case the Council has behaved unreasonably in a number of ways. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan; and providing vague generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. Whilst I agree that the Council's reason for refusal could have been more clearly expressed, I found the evidence provided in the planning officer's report and the Council's statement sufficient to explain the reasoning behind the decision, which was supported by reference to the relevant policies. In my appeal decision I have agreed with the Council that there would be conflict with the development plan, so it is not the case that the development should clearly have been permitted.
5. The applicant has also suggested that unreasonable behaviour resulted from a failure to take account of the previous appeal decision on the site (APP/L3245/W/19/3235601). However, the planning officer's report clearly refers to this decision and recognises that some of the Inspector's concerns have been adequately addressed, whilst noting that the revisions to the

scheme caused new concerns to be raised. The differences in the two schemes are significant and I am satisfied that the Council properly assessed the current appeal proposal, having appropriate regard to the previous decision in so far as it was relevant. I find no evidence of unreasonable behaviour in this regard.

6. No evidence has been provided to back up the assertion that the Council has been inconsistent in its decision making.
7. Both parties suggest that the other has failed to work proactively. It is clear that the application took time to be determined, but significant revisions were made to the scheme, with extensions of time being agreed by the parties to allow for work towards an acceptable scheme. I appreciate there may have been frustration on both sides during the process, and that in the end a mutually acceptable scheme was not forthcoming. However, I have not been presented with clear evidence of unreasonable behaviour due to a lack of a positive or constructive approach.
8. I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified and the application for costs is refused.

R Morgan

INSPECTOR