



Costs Decision

Site visit made on 22 June 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/L3245/W/21/3267674

Land at Gravels Bank, Minsterley, Shrewsbury, SY5 0HG

- 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 Mrs Susan Gilmore for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the erection of two x 3 bedroom houses.
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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 caused it to incur unnecessary expense. In summary, the reasons given are:
 - the Council has not allowed that this proposal is necessary to complete 'infill' of the gap between Nos 2 and 4 Gravels Bank, in combination with 18/04238/OUT, and
 - the Council's housing delivery data are inaccurate.
4. There is nothing to suggest that the Council viewed the gap between Nos 2 and 4 Gravels Bank as a single, large infill plot that needed to be built upon to complete the orderly development of the settlement. Based on the information before me, the Council were conscious that an infill plot would be created by granting 18/04238/OUT, which would provide an opportunity for housing development, and were clear that any future application would need to be considered on its own merits.
5. I note the related argument that, without the proposed housing proceeding, the development at 18/04238/OUT would not meet the definition of infill and the permission was therefore inappropriately granted. I do not have details of the Council's deliberations regarding 18/04238/OUT before me and, notwithstanding this, it is not within the scope of my decision to re-visit other planning judgments. However, I observe that it is not an absolute requirement

- in local policy for housing development to be infill and there would undoubtedly have been a number of other factors in the Council's planning balance.
6. I have not found the Council's housing delivery data to be inaccurate or inconsistent. It is reasonable that the number of completions and permissions increases over the course of time. In this case, the number of completions and permissions over the course of about a year (from the time of granting permission for 19/05286/OUT) was sufficient to tip the planning balance between under delivery and potential over delivery. Neither the Council nor I have taken into account the application at Hope School because it has not been determined yet.
 7. I have also noted criticism that the housing data were not in an easily understandable form. However, while the information is quite technical, I do not find that the Council was deliberately opaque in its explanation of the data and I am satisfied that presentation of the data in the officer's report was adequate.
 8. The appellant suggests that the Council ignored their correspondence dated 5 November 2020. The Council has provided evidence that they responded the following day, referencing the detailed commentary in its forthcoming report, and I am satisfied that no delay was caused, nor the arguments ignored.
 9. I note criticism of the Council's 'side-stepping' of the issue of whether or not the site is infill. This is neither an uncommon nor unreasonable approach where the weight given to other considerations is sufficient that dwelling on determination of a single factor would make little difference, as was the judgment of the planning officer in this case.
 10. The Council made an error in their appeal statement by essentially omitting the word 'further'. However, the data on which the decision was made were correct and I have no evidence that this minor typing error has led to wasted expense.

Conclusion

11. 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. An award for costs is therefore not justified.

B Davies

INSPECTOR