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## Costs Decision

Hearing held on 12 October 2021

**by J Williamson BSc (Hons) MPlan MRTPI**

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

**Decision date: 08 November 2021**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/21/3275873 Land South The Little Wickett, Rye Bank, Wem SY4 5RA**

- 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 Ms G Foxley & Mr S Forbes against the decision of Shropshire Council.
  - The appeal was against the refusal of planning permission for erection of a local needs dwelling including garage and access.
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### **Decision**

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

### **Reasons**

2. Irrespective of the outcome of an appeal, the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).
3. The applicants have applied for a full award of costs as they consider the Council behaved unreasonably in refusing the planning application. The applicants suggest that the Council failed to determine the planning application in a manner consistent with its decisions on other applications for local needs affordable dwellings in the countryside. Additionally, the applicants contend that the Council has not provided relevant evidence to support its decision in all respects.
4. In response, the Council explain that each application must be assessed on its own merits, against the relevant policies. Ultimately, when determining applications of this nature a judgement must be made regarding what constitutes a 'recognisable named settlement', taking account of guidance in the Council's associated Supplementary Planning Document.
5. I acknowledge that the Council reached a different decision on the appeal proposal to that which it reached on the other cases referred to in submissions and discussed at the Hearing. However, notwithstanding my decision regarding the appeal, from the evidence before me I am satisfied that the decision of the Council in respect of the appeal proposal and its

decisions on the other cases referred to, were reached via a comparable and consistent process and application of relevant policies and guidance. In such cases the decision maker must exercise planning judgement. The Council exercised its judgement and provided sound reasoning for each of the decisions referred to. I therefore consider that the Council did not behave unreasonably in refusing planning application Ref 20/03017/FUL.

6. For the reasons outlined, I therefore conclude that it has not been demonstrated that the Council behaved unreasonably in respect of any substantive or procedural matters associated with the determination of application Ref 20/03017/FUL. Consequently, there has not been any unreasonable behaviour which caused the applicant to incur unnecessary or wasted expense in the appeal process, as described in the PPG. Therefore, an award of costs is not justified.

*J Williamson*

INSPECTOR