



Costs Decision

Hearing held on 25 November 2021

Site visit made on 25 November 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Costs application in relation to Appeal Ref: APP/L3245/W/21/3269206 Former Council Offices at Westgate, Bridgnorth WV16 5AA

- 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 South Staffordshire Housing Association Ltd against the decision of Shropshire Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings; erection of mixed residential scheme of 30 dwellings; highway works; landscaping scheme to include felling of trees; all associated works.
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Decision

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

Procedural Matter

2. The applicant has applied for a full or partial award of costs. I have therefore reached a decision on both options.

Reasons

3. 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).
4. In summary, the applicant asserts that: the planning committee did not follow the Council Officer's recommendations, which were clear and unequivocal; the Council has failed to substantiate, and has not provided any reasonable basis for either of the 2 reasons for refusal; the Council's claim that the proposal would harm the character and appearance of the area is entirely subjective; the Local Highway Authority did not object to the proposal and the Council has not provided any evidence to justify its position. For these reasons the applicant considers the Council has behaved unreasonably and that this behaviour has resulted in unnecessary and wasted expense in the appeal process.

5. In summary, the Council acknowledges that the planning committee's decision was contrary to Officer recommendation. However, it is contended that the committee was entitled to reach a different decision to that of Officers.
6. The Council asserts that committee members were familiar with the site and although the meeting took place virtually, a selection of relevant photographs of the site and its surroundings were included in the presentation. Local knowledge and the content of the presentation provided a sound basis for the deliberations. The committee's reason for concluding that the proposal would harm the character and appearance of the area related specifically to the proposed layout, and this was linked to relevant local and national planning policies. Members also drew upon their experience of having used the site in past, driving into and out of it, and considered that the submitted Transport Assessment did not provide sufficient detail regarding the implications of vehicles reversing onto Ludlow Road from the proposed dwellings that would front this road. The Council therefore considers that the reasons for refusal have been substantiated and that there is no basis for an award of costs, as outlined in the PPG.
7. I appreciate that the appellant had engaged in discussions with Council Officers and had provided several statements and assessments in support of the proposal. As such, it would no doubt have been frustrating, at least, to discover that the planning committee reached a different decision to that recommended by Officers. However, the process of decision taking does indeed allow for planning committees to reach conclusions contrary to Officer recommendations.
8. Decisions regarding many planning matters rely on planning judgement. Notwithstanding the discussions the appellant had engaged in with Officers and the supporting information submitted with the planning application, I consider members of the committee exercised their planning judgement, which they are entitled to do, supported by appropriate reasoning and justification.
9. For the reasons outlined, I believe the Council did not behave unreasonably in refusing planning application Ref 20/02056/FUL. 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 20/02056/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. I therefore conclude that a full or partial award of costs is not justified.

J Williamson

INSPECTOR