



Costs Decision

Site visit made on 31 January 2022 by A J Sutton BA (Hons) DipTP MRTPI

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 Appeal Decision

Costs application in relation to Appeal Ref: APP/L3245/D/21/3287557 Hammer Hill House, Romsley Lane, Romsley, WV15 6HW

- 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 Jonathan Cox C/O Evergreen Architects Limited for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for development described as 'The proposal is to demolish the existing 1980s pool and build a new modern style pool in the same location, which is slightly larger.'
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Decision

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

Reasons

2. The applicant contends that the Council has acted unreasonably in refusing the planning application, stating it has failed to determine the application in accordance with local plan policies, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) and that it has also not applied substantial weight to a planning obligation. The applicant considers the Council has acted unreasonably in a number of respects which include preventing or delaying development which should clearly be permitted; using vague generalised or inaccurate assertions about the proposal's impact; refusing planning permission on a planning ground capable of being dealt with by conditions or a section 106; and, refusing to enter into pre-application discussions.
3. The evidence before me confirms that the Council provided clear advice at the pre-application stage of this proposal, and this is reflected in the applicant's planning statement. Indeed, it states with amendments to the scale, the proposal would be looked upon favourably by the Council, but the applicant chose to persist with a proposal that was significantly larger than advised.
4. I attached moderate weight to the Unilateral Undertaking (UN) in the appeal. However, the officer's report that informed the original decision did take account of the offer of a planning obligation. Moreover, I see no evidence that at the time of the planning application the UU had been submitted. In any event my conclusions on this matter did not result in a different outcome in this case and the UU did not make the proposal acceptable and was therefore not necessary. The Council did not therefore refuse permission on planning grounds capable of being dealt with by condition or a planning obligation.

5. The Council substantiated its reasons for refusal with reference to relevant local plan policies and the Framework. The decision was therefore not vague or generalised in this regard and I drew the same conclusions on these matters in the appeal recommendation. The reasons were generally consistent with the advice provided at pre-application stage, and reflective of the proposal's analysis set out in the officer's report which referenced supporting information including the Heritage Impact Assessment. Consequently, the Council's action did not prevent or delay development which should clearly be permitted.
6. I therefore find no evidence that Council has acted unreasonably in this case and its actions have not resulted in unnecessary or waste expense on the part of the applicant for the reasons outlined above.

Recommendation and Conclusion

7. For the reasons outlined above, and having regard to all other matters raised, I recommend that an award of costs is refused.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is not justified in this case.

Caroline Mulloy

INSPECTOR