



Costs Decision

Site visit made on 28 June 2022 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2022

Cost application in relation to Appeal Ref: APP/C3240/W/21/3289241 3 Davenport Drive, Admaston, Telford TF5 0DY

- 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 & Mrs Davies for the full award of costs against Telford and Wrekin Council.
 - The appeal was made against the refusal of planning permission for new dwelling and access on land adjacent 3 Davenport Drive.
-

Decision

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

Costs Procedure

2. The following report has been prepared by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding whether to make an award of costs.

Reasons for the Recommendation

3. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, 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.
4. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour, and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
5. The Council's decision was different to its officer's recommendation to the Planning Committee, however this in itself is not necessarily unreasonable behaviour. It is however important that the Local Planning Authority substantiates its reasons for refusal. The Committee members carried out an analysis of the proposal, informed by their officers and the officer report, and undertook a balancing exercise as required by local policy. They determined that the benefits did not outweigh the adverse impacts on the Green Network.
6. This was a matter of planning judgement, and the courts have held that the weight attributed to the material considerations of a case is a matter for the decision maker. While I have reached a different conclusion to the Council, it was open to the Committee members to reach a different view on this from the

planning officer. This was not therefore a case where the development should clearly have been permitted. The decision by the Council to refuse permission contrary to the advice of its officers was not therefore unreasonable behaviour.

7. I appreciate that the applicants were disappointed with the Council's handling of the application, procedures and subsequent outcome. However, the Council's reason for refusal was nevertheless clearly set out with reference to relevant development plan policies. The reason for refusal was then explained in more detail in the Council's Statement of Case. Its submissions were brief but explain how it reached a different conclusion to that set out in the officer report. On balance, I consider they were sufficient to substantiate its case. I am therefore satisfied that the Council produced evidence to substantiate its reason for refusal and did not make vague, generalised or inaccurate assertions about the proposal's impact.
8. Accordingly, the Council's behaviour and actions at the time of the planning application or during this appeal have not resulted in unreasonable behaviour or unnecessary or wasted expense at the appeal stage. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's costs report above, and, on that basis, I too agree and conclude the applicants have failed to demonstrate unreasonable behaviour resulting in unnecessary expense as described in the PPG. The application for costs is therefore refused.

L McKay

INSPECTOR