



Costs Decision

Site visit made on 5 March 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Costs application in relation to Appeal Ref: APP/L3245/W/23/3323787 Land At Forton Airfield, Shropshire, Shrewsbury, SY4 1AS

- 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 Shrewsbury Dog Daycare Limited for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the change of use of land to dog exercise area and erection of a building to provide indoor facility for dog daycare business.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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 applicant submits that the Council acted unreasonably as, although the appeal had been called in to Committee, it was determined under delegated powers. The applicant consider that the Committee would have granted planning permission and so this has led to wasted expense in the applicant needing to defend the scheme at appeal.
4. Although the applicant also refers to wasted expense stemming from the installation of panels, it is not clear what this refers to. It has not, therefore, been determinative in my considerations.
5. It is clear from the Council's submissions that while cases can be called to Committee by a member, Parish or Town Council they must meet one of a number of requirements to be heard at the Committee. In this case I understand that the Committee Chairman, Vice Chairman, Service Manager and Area Planning Manager agreed that there were no material planning issues that necessitated the Committee to determine the application. To this extent therefore, I do not find that the decision not to present the application to committee was unreasonable.
6. Furthermore, and although I note the support from one Committee Member and the Parish Council, I have not been provided with any substantive evidence to demonstrate that the Committee would have voted to grant planning permission. Whilst I found differently to the Council in my determination of the appeal, I cannot be certain that the Committee would have similarly reached a different decision.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Samuel Watson

INSPECTOR