



Costs Decision

Site visit made on 10 September 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2024

**Costs application in relation to Appeal Ref: APP/L3245/D/24/3339364
Curlew Cottage, Rowe Lane, Stanton Long, Much Wenlock, Shropshire
TF13 6LS**

- 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 David Smith for a full award of costs against Shropshire Council.
- The appeal was against the refusal of planning permission for erection of extension to dwelling.

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 argues that the Council acted unreasonably, as planning permission should have been granted as the submitted scheme addressed the issues raised within the previous appeal decision¹.
4. I am, however, satisfied that the Council paid due regard to that appeal decision when reaching its conclusions. Whilst brief, a clear and reasonable case based on relevant planning considerations was put forward by the Council. Although I have reached a different conclusion, the Council had reasonable concerns about the impact of the proposed development, irrespective of whether or not the Case Officer and Conservation Officer visited the site, and the position reached was a legitimate exercise of planning judgement. I find no unreasonable behaviour by the Council in this respect.
5. The applicant also suggests that the proposal was misrepresented in correspondence and that a wholly incorrect impression was given of the scheme to those deciding whether or not the application should be determined by the Planning Committee. The Council's response, however, indicates that the Ward Councillor had already reached a view on whether the application should be put before the Committee before the correspondence in question was sent, and was aware of how the proposal differed from the previous scheme. Furthermore, the decision to delegate the decision to officers was made by the Chair of the Planning Committee and no compelling evidence has been presented that the correspondence influenced that decision. Accordingly, even

¹ Reference APP/L3245/D/23/3323663

if I were to agree that the impression given of the proposal within the correspondence was misleading, I am not convinced that this influenced who determined the application.

6. Moreover, it is not for me to guess how the Planning Committee may or may not have dealt with the application if it had been put before them. There is no certainty that the Planning Committee would have found in the applicant's favour and that the appeal before me would have thereby been avoided.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elaine Moulton

INSPECTOR