



Costs Decision

Site visit made on 23 September 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Costs application in relation to Appeal Ref: APP/L3245/W/24/3343807 The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL

- 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 Dr Kay Gibbons of Kay Gibbons Holdings Ltd - The Swan Inn for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the replacement of a function room with a larger two storey building consisting of six one bedroom and six two bedroom apartments for a mixture of open market housing, affordable housing, pub letting and owner accommodation in currently redundant space between the pub and the rear car park.
-

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 asserts that the Council behaved unreasonably by refusing to validate the planning application until a Viability Assessment (VA) had been submitted. Additionally, the lack of an Officer's Report when more extensive detail is provided in the Council's application for costs on another appeal¹ is viewed to have been unreasonable.
4. Whilst I have limited evidence before me regarding the Council's refusal to validate the outline planning application, neither has the Council's formally adopted local list of requirements for validation been provided. Therefore, I am unable to confirm if a VA is included on the local list. Nonetheless, as the outline planning application was refused on the principle of development in this location, the submission of the VA would not have altered the Council's in-principle refusal. The appeal could not, therefore, have been avoided.
5. The preparation of an Officer's Report is not a mandatory requirement, even if other planning consultants or architects dispute this, provided the reasons for the Council's decision are set out on the decision notice with relevant policies indicated. Although succinct, the Council's decision notice achieves this. Furthermore, the lack of a report on one planning application does not preclude the Council from preparing more extensive details on an application for costs.

¹ APP/L3245/W/24/3342722

6. I appreciate that the outcome of the planning application will be a disappointment to the applicant and I acknowledge that as a private individual, navigating the planning system is not easy. It is also evident that the applicant has undertaken a significant amount of additional work to support the proposed development during the appeal process which may have led to the loss of earnings from their main employment. However, whilst I do not agree with the Council's decision to conclude that the appeal scheme would harm the character and appearance of the area, the provision of open market homes in this location has not been justified. Furthermore, the public benefits which could be derived from the development have not been fully evidenced to conclude that they outweigh the proposed development's conflict with the local development strategy. Therefore, the appeal could not have been avoided.
7. The Council's actions during the processing of the application, whilst frustrating for the applicant, are not sufficient to conclude they acted in an unreasonable manner that led to the need to submit the appeal.
8. Even if the applicant felt desperate or that they had no other option, it remained their decision to submit Freedom of Information requests and serve a purchase notice on the Council. Moreover, these actions fall outside the remit of the determination of a planning application.
9. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Juliet Rogers

INSPECTOR