



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/24/3342722 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 Shropshire Council (the Council) for a full award of costs against Dr Kay Gibbons of Kay Gibbons Holdings Ltd - The Swan Inn (the appellant).
- The appeal was against the refusal of planning permission for the change of use of a public house to a single 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 Council asserts that the appellant behaved in an unreasonable way by not providing a Viability Assessment (VA) with the planning application on the site.
4. Policy CS6 of the Core Strategy¹ requires a clear demonstration that the existing facility is not viable over the long term. However, no detail or guidance is stipulated in the policy or its explanatory text as to how this should be achieved. Although a VA would be one way to demonstrate whether or not the public house is viable over the long term, it is not the only method.
5. Similarly, Policy CS8 of the Core Strategy seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors, including public houses. Such a goal is reiterated in Policy CS18 where the protection and improvement of existing day-to-day services and facilities as part of the rebalancing of rural settlements is supported. However, aside from the encouragement of new services and facilities towards the ability of a settlement to act as a Community Hub or part of a Community Cluster, neither Policy CS8 nor Policy CS18 specify how this should be achieved.
6. From the various correspondence provided by both parties, it is evident that the applicant sought to establish what evidence was necessary to fulfil the requirements of Policy CS6, over and above the valuation of the property, other property valuations and sale figures already submitted. Whilst the Council did provide some guidance on what information was required, this was limited

¹ Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy)

in detail. As such, it is understandable that the appellant was unsure what was required and why the information already submitted was not sufficient. The need to seek further clarification and communication from the Council regarding this is not, in itself, unreasonable.

7. Even if the Freedom of Information (FOI) requests submitted by the appellant indirectly relate to the appeal site given its proximity to the B4555, the general right of access to information held by public authorities is covered by other legislation. Therefore, regardless of whether or not the appellant had a planning application lodged with the Council, their right to submit a FOI request remains. Doing so is not unreasonable behaviour.
8. Similarly, there is nothing to prevent someone from serving a purchase notice on the Council, even if an appeal against the refusal of planning permission has been lodged. Whilst it may be sensible to wait until the result of an appeal is known, the appellant's decision to serve the purchase notice does not constitute unreasonable behaviour.
9. Costs involved in submitting evidence in support of the appellant's other appeal² are set out within a separate costs decision.
10. 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

² APP/L3245/W/24/3342722