
Costs Decision

Site visit made on 10 November 2015

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04/01/2016

Costs application in relation to Appeal Ref: APP/L3245/W/15/3022913 Land north of Henley Common, Acton Scott SY6 6RS

- 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 Rupert Acton for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the continued use of land for agricultural purposes and the installation of up to 5MW of solar voltaic panels and ancillary works.
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Decision

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

Procedural matter

2. No response to the costs claim was received from the Council.

Reasons

3. Planning Practice Guidance 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.
4. The Council resolved to refuse planning permission for the development against the advice of their officers. However this is not inherently unreasonable provided the authority then substantiated its reason for refusal on planning grounds.
5. In this case the Council's reason for refusal related to the effect of the proposal on the character of the area, which is within an Area of Outstanding Natural Beauty (AONB). The statutory purpose of an AONB is to conserve and enhance the natural beauty of an area, and this should be given great weight. The approach towards AONBs is set out in national and local policy.
6. The Council's evidence clearly set out the harm which it considered would be caused to the AONB, and balanced this against the acknowledged benefits of the proposal. This is the same approach which I took and, although I reached a different balanced conclusion from the Council, the evidence of the authority was clear and sufficiently detailed. It is certainly true that the Council's evidence was far less detailed than that of the appellant, but that does not imply that it was unclear or that it failed to substantiate the Council's position.

7. On that basis the Council did not delay development which should clearly have been permitted, having regard to the development plan, national policy and any other material considerations.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

P. J. G. Ware

Inspector