
Costs Decision

Site visit made on 8 March 2016

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 21 April 2016

Costs application in relation to Appeal Ref: APP/L3245/W/15/3139046 Land to rear of Barnfields, Shrawardine, SY4 1AH

- 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 Stephen Mulloy for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for a proposal originally described as an "outline application for detached three/four bedroom residential eco dwelling for private equestrian use (with community allotments-not requiring planning consent) all matters reserved." [sic].
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and that the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The PPG states that local planning authorities are at risk of an award of costs if there is a lack of co-operation with other party or parties, if they fail to produce evidence to substantiate each reason for refusal or if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
 4. Nonetheless, I found the evidence within the decision notice, and the Council's statement of case to adequately set out the consequences of the development and the reasons for refusal. Furthermore, the Council's original planning application report clearly explains why the proposal is not considered to be acceptable, taking account of the relevant policies within the Core Strategy and the Framework with regard to sustainability and other material issues, including the provision of allotments. There is little substantive evidence before me that would lead me to conclude that predetermination of the application had taken place and I am satisfied that the Council assessed the application on its own merits, and in an objective manner.
 5. The appellant considers that the concerns would have been resolved through positive and proactive discussion in accordance with paragraph 187 of the National Planning Policy Framework (the Framework). However the first reason for refusal was clearly not a matter which could have been resolved through
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discussions given the clear divergence in the cases of the two main parties and whilst the Council's communication might have been improved, the outcome is unlikely to have been altered and so the appellant has not been put to unnecessary expense.

6. As such I find that unreasonable behavior resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Mark Caine

INSPECTOR