
Costs Decision

Site visit made on 13 April 2016

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 25 April 2016

Costs application in relation to Appeal Ref: APP/L3245/W/15/3140321 Pool View Caravan Park, Buildwas, Telford, TF8 7BS

- 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 Sovereign Park Homes for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of the Council to grant permission for 'alteration of ground levels and the provision of 10 No plots for static caravans' without complying with a condition attached to planning permission Ref: S/88/0843/174/74 dated 27 July 1989.
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Decision

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

The submissions for Sovereign Park Homes

2. The application was made in writing.

The response by Shropshire Council

3. The Council's response was made in writing.

Reasons

4. Paragraph 030 of the *Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process.
5. Paragraph 049 explains that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to the substance of the matter under appeal, for example by preventing or delaying development which should clearly be permitted having regard to the development plan and other material considerations, by failure to produce evidence to substantiate the reasons for refusal, and by giving vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.
6. The appellant submits that the Council's case was not substantiated and relied on assumptions and conflict with policies which are not relevant to the application.
7. However, I am satisfied that the Council adequately substantiated its reasons for refusal, based on reference to the development plan and other material considerations. The decision notice specifically sets out the areas of concern,

and the Council's evidence in the appeal statement clearly expressed its point of view. It will be seen from my decision that I agreed with the Council that it was correct in this case to apply policies which seek to strictly control development in the countryside. Indeed, the supporting text to SAMDev Policy MD7a explains that holiday lets are essentially residential properties in the countryside which are limited by conditions attached to the planning permission, and says permanent occupation of structures such as caravans and chalets will not normally be appropriate. As such, I considered the proposal to be in clear conflict with this policy and CS Policies CS4 and CS5 concerning residential development in the countryside.

8. In any event, where planning issues are finely balanced, as here, an award of costs arising from substantive matters is unlikely to be made against the planning authority. The Council is fully entitled to reach a decision based on its interpretation of adopted policies and other material considerations, and apportion weight accordingly.
9. The appellant also says that the Council was unreasonable in withholding its decision for such a lengthy period of time. The application was submitted on 12 May 2014 and the decision was not issued until 27 October 2015.
10. Paragraph 47 of the PPG sets out examples of unreasonable behaviour which may result in an award of costs, and this includes delays in providing information or other failure to adhere to deadlines. However, although the time period appears somewhat excessive considering the complexity of the case, this does not necessarily impact on the costs associated with the appeal. The Council did seek an extension of time from the applicant to clarify certain elements of the application, although this was refused. Furthermore, the appellant was entitled to appeal against non-determination of the application after the expiry of the statutory period, but chose not to exercise this option.
11. Having regard to the above, I conclude that the Council has behaved reasonably in both its handling of the application and in the appeal process. Therefore, for the reasons given above I conclude that unreasonable behaviour resulting in unnecessary expense as described in PPG Paragraphs 30 and 47 has not been demonstrated in this case.

Nigel Harrison

INSPECTOR