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## Costs Decision

Site visit made on 26 April 2016

**by Roy Merrett BSc(Hons) DipTP MRTPI**

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

**Decision date: 24 August 2016**

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**Costs application in relation to Appeal Ref: APP/L3245/W/16/3142296  
Land adjacent to The Apartment Block, The Woodlands, Calcutts Road,  
Jackfield, Shropshire TF8 7LG**

- 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 Kevin Wright, Kaw Projects Ltd for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for 6 x 2 No. Bedroom Apartments.
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### Decision

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

### Reasons

2. Paragraph 030 of the Government's Planning Policy Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
  3. Paragraph 048 of the PPG states that *If it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation....If an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, if the Inspector or Secretary of State concludes that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether.*
  4. It appears that during the course of the application there has been an ongoing dialogue between the Council and the appellant with a view to achieving a satisfactory proposal. This involved the appellant making amendments to the scheme which gave rise to a requirement for further consultation.
  5. Ultimately, having balanced the various issues, the planning officer was entitled to reach a view that the limited provision of amenity space within the scheme was acceptable. Equally the decision making Committee were entitled to take a contrary view based on guidance in the Council's development plan and having visited the site.
  6. I am therefore unable to conclude that better communication with the appellant would have enabled the appeal to be avoided altogether. Whilst it did take the
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Council longer to reach a decision on this application than would be expected by reference to target guidelines, it was open to the appellant to lodge a planning appeal against non-determination relatively early in the process if he was dissatisfied with the delays experienced, a course of action which he did not take.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Roy Merrett*

INSPECTOR