
Costs Decision

Site visit made on 9 August 2016

by **Jonathan Bore MRTPI**

Decision date: 17 August 2016

Costs application in relation to Appeal Ref: APP/L3245/Q/16/3143661 Yew Tree Cottage, Bentlawnt, Minsterley, Shrewsbury, Shropshire SY5 0ES

- 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 Mrs A J Mumford for a full award of costs against Shropshire Council.
 - The appeal was against a failure to determine an application under Section 106A of the Town and Country Planning Act 1990 that a planning obligation should be discharged.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The applicant and her agent received poor service from the Council at the application stage, including difficulty in finding out how the application should be submitted, a late and inaccurate validation letter, and the absence of any Council contact thereafter despite four written communications from the appellant's agent. There appears to have been little proper input from the local planning authority at any stage of the application process. The consultation response from SC Affordable Homes was several months late and considered the application simply from the point of view of the housing officer. There is no evidence that the local planning authority carried out its own evaluation of the proposal against the policies of the development plan or considered the proposal in a balanced manner. As for the appeal, the local planning authority referred to the consultation response from SC Affordable Homes and made a general reference to the housing waiting list, but offered very little evidence to support its own position and did not properly evaluate the proposal against the development plan; this was unreasonable, particularly since the development plan context had changed.
 3. The Council's behaviour has been unreasonable throughout the life of the application and the appeal. My conclusions on the merits of the application are set out in my appeal decision and the prevailing planning policy indicates clearly that the obligation should be discharged. The scheme should not have needed to come to appeal; the Council's unreasonable behaviour has led the appellant to incur unnecessary costs.
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Costs Order [where awarding costs]

4. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mrs A J Mumford, the costs of the appeal proceedings described in the heading of this decision.
5. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Jonathan Bore

INSPECTOR