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## Costs Decision

Site visit made on 30 August 2016

by **Daniel Hartley MTP MBA MRTPI**

**Decision date: 01 September 2016**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/16/3152245 Circassian, Preston Gubbals Road, Bomere Heath, Shrewsbury SY4 3LT**

- 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 Ms A Clegg for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for the erection of a detached bungalow following demolition of garaging, porch and dining room of an existing dwelling.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant considers that the proposal accords with all local and national planning policies, that the Council has failed to properly apply such policies and that it reached a flawed, unreasonable and subjective decision in refusing planning permission.
4. In my appeal decision, I have found that the proposal would cause unacceptable harm to the character and appearance of the area. I am satisfied that the Council did apply relevant planning policies correctly and that in doing so it was necessary to apply a degree of subjective planning judgment. I have dismissed the appeal and hence I do not consider that the Council's decision was flawed or unsubstantiated.
5. For the above reasons, I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense. Therefore a full award of costs is not justified.

*Daniel Hartley*

INSPECTOR