
Costs Decision

Site visit made on 11 January 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 13 February 2017

Costs application in relation to Appeal Ref: APP/L3245/W/16/3161843 Land adjacent to the Inn on the Green Public House, Bank Farm Road, Shrewsbury SY4 6DU

- 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 NewRiver Property Trust No.4 for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the erection of 4no residential units.
-

Decision

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

Reasons

2. Planning Practice Guidance advises that irrespective of the outcome of the appeal, costs may 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 submits that the Council has acted unreasonably in refusing the application which was clearly supported by an Officer recommendation and had been previously resolved to be approved by the Council. It is further claimed that the reason for refusal has not been supported by any substantive evidence. The refusal has therefore resulted in the delaying of a development which should have clearly been permitted and the appellant has consequently had to incur unnecessary and wasted expense by having to go through the appeal process.
 4. Paragraph 049 of Planning Practice Guidance indicates that local planning authorities will be at risk of an award of costs being made against them if they prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and acting contrary to, or not following, well-established case law.
 5. In this case I have noted the recommendation of the Council's Officer and understand the Appellant's frustration over the manner in which the application was considered. However, the Council's Members in this case were entitled not to accept the professional advice of Officers, so long as a case could be made by them for the contrary view.
-

6. The reason for refusal set out in the Decision Notice is complete, precise, specific and relevant to the application. It also clearly cites the policy contained within the Shropshire Adopted Core Strategy that the proposal would be in conflict with. The Council did further support their reason for refusal with a statement which clearly set out why they did not consider the proposal protected or enhanced the existing facilities or amenities provided by the Inn on the Green Public House.
7. It will be seen by my decision that I agreed with the Council's Decision, and I am satisfied, for the reasons set out above, that the Council has adequately substantiated its reason for refusal.
8. I therefore conclude unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated, and consequently an award of costs is not justified.

Elizabeth Pleasant

INSPECTOR