
Costs Decision

Site visit made on 25 June 2018

by **Kevin Savage BA MPlan MRTPI**

Decision date: 7 September 2018

Costs application in relation to Appeal Ref: APP/L3245/W/17/3192452 NE of The Hollows, Stiperstones, Shropshire SY5 0NE

- 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 & Mrs Bill and Margaret Reece for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for conversion of an agricultural building to a 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 be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicants' evidence in support of their application for costs is limited. Reference is made to an unsuccessful attempt to meet with the planning officer at the Council's offices, and to dissatisfaction with the Council's communication with respect to the planning application, and to the length of time the Council took to issue a decision.
5. I have sympathy with the applicants' frustration given the time which the planning process has taken, and the not insubstantial costs incurred along the way. However, the incidents described refer to the Council's handling of the planning application and are ultimately matters for local government accountability. They are outside of the appeal process and have not led to the Council exhibiting unreasonable behaviour in defending the reason for refusal at the appeal stage.
6. The Council has set out its case clearly in its delegated report and appeal statement, and had regard to relevant development plan policies and national and local guidance in doing so. My decision on the appeal makes it clear that I

agree with the Council on the main issues. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.

7. As a result it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicants were put to unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Kevin Savage

INSPECTOR