



Costs Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2019

Costs application in relation to Appeal Ref: APP/L3245/W/19/3224092 Land to the North of Betley Lane, Bayston Hill, Shrewsbury SY3 0HB

- 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 Julie Houlker for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for residential development for up to 2 dwellings with retention of access.
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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 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 Council's Planning Committee decided to refuse the application contrary to the advice of their professional officers who had produced a written report analysing the effect of the proposal on a number of matters including the effect of the development on highway safety. Authorities are not bound to accept the recommendations of their officers, although local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal and if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. Despite the Planning Committee refusing the application contrary to the advice of its professional officers, the reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the relevant development plan policy that the proposal would conflict with. These reasons were adequately substantiated by the Council in its statement of case, which demonstrates how the proposal would harm highway safety. Whilst I appreciate that the appellant does not agree with the outcome of the application, and I have found no harm in respect of this issue, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
5. I acknowledge the applicant's allegations that the on-street parking conditions were manufactured during the Planning Committee site visit. However,

whether or not these allegations are true, there is no evidence to indicate that the Council in anyway orchestrated these conditions. Therefore, they did not behave unreasonably in respect of this matter.

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

Alexander Walker

INSPECTOR