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## Costs Decision

Site visit made on 30 April 2018

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> May 2018**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/18/3192885 Gestiana, Woodlands Road, Broseley TF12 5PU**

- 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 David Poyner on behalf of Gestiana Limited for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for the demolition of existing dwelling and construction of 5no. bungalows with rooms in roof space.
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### **Decision**

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

### **Reasons**

2. The National Planning Practice Guidance (NPPG) 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 Planning Committee decided to refuse the application contrary to 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 the living conditions of neighbouring residents and the character and appearance of the area. Authorities are not bound to accept the recommendations of their officers, although paragraph 049 of the PPG states that 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 proposals impact, which are unsupported by any objective analysis.
4. The Council's reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan 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 the living conditions of neighbouring occupants, with regard to overlooking from windows, and the character of the area. Whilst I appreciate that the appellant does not agree with the outcome of the application, 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 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