



Costs Decision

Site visit made on 25 March 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2019

Costs application in relation to Appeal Ref: APP/L3245/W/18/3216271 Barn East of Northwood Villa, Ellesmere Lane, Northwood, Ellesmere, Shropshire SY12 0LU

- 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 Paul Goulding for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use.
-

Decision

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

Reasons

2. 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's application for costs is on the basis that the Council has acted unreasonably by misinterpreting the purpose of the timber frame that would support the new timber cladding.
4. Para 5.0 of the Structure Report carried out by G Philip Hughes, dated September 2017 refers to the 'construction of standalone structure to subdivide the internal space for habitation, but utilising the existing building envelope for cover.' I note that the applicant confirms that the internal walls would be supported by the existing framework and floor of the building. Notwithstanding this, I understand why the Council interpreted the Structure Report as they did as it is not explicitly clear what is meant by the 'standalone structure.'
5. I therefore conclude that 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