



Costs Decision

Site visit made on 8 May 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2019

Costs application in relation to Appeal Ref: APP/L3245/W/19/3220888 Agricultural Building A, Rose Cottage, Prees Green, Whitchurch, Shropshire SY13 2BN

- 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 Don Carissimo for a full award of costs against Shropshire Council.
- The appeal was against the refusal of the Council to grant prior approval required under Schedule 2, Part 1, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development proposed is described as 'Building A is located to the east of Rose Cottage with access shared and taken off the A49. It is proposed to convert the 84sqm building into a 3 bedroom, 1 storey dwelling'.

Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. It states that one of the aims of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, and not to add to development costs through unavoidable delay.
3. Examples of behaviour which may lead to a substantive award of costs against the local planning authority are set out in the PPG at paragraph 49. The applicant considers that the Council has adopted an entrenched, inconsistent and negative approach towards the application which has led to an appeal which is wholly unnecessary.
4. Furthermore, the applicant considers that as part of the current appeal, the Council has sought to introduce new matters which did not form part of the reasons for refusal. The appeal proposal is a re-submission of a scheme previously refused by the Council and subsequently dismissed at appeal. It was supported by a structural appraisal to address the deficiencies identified in that Inspector's decision letter.
5. Having regard to this, whilst I find the Council acted unreasonably through introducing new matters from those specified on the decision notice, it did not delay development in this respect. The Council further supported their reason

for refusal with a full statement of case. From the evidence before me, and in the absence of any additional information to the contrary, it follows that I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal. The Council's submission clearly identifies the issues, identifying the evidence both, for and against the proposal, and going on to clearly explain the reasoning behind its conclusion.

6. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme, and therefore the appeal could not have been avoided. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal. While the Council's behaviour was unreasonable in respect of raising additional matters, it did not cause the applicant to incur wasted costs as the appeal was inevitable in any event.
7. On the basis of the evidence before me, I conclude that it has not been demonstrated that the Council's unreasonable behaviour caused unnecessary or wasted expense in so far as an award of costs could be justified. Consequently, the application for a full award of costs is refused.

W Johnson

INSPECTOR