



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/19/3223925 Rose Cottage, Primrose Lane, Prees SY13 2EH

- 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 and Mrs A White for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the change of use of grassed area to residential garden.
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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 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 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 character and appearance of the area. Furthermore, the Council has provided justification as to why the proposal differs to other decisions for changes of use to gardens and I find no inconsistency in their consideration of these schemes. Whilst I appreciate that the applicant 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.
4. Furthermore, in respect of the consideration of the imposition of a condition removing certain permitted development rights, I do not find that such a condition would adequately mitigate the harm to the character and appearance of the area. Accordingly, the Council did not behave unreasonably by not granting permission with such a condition imposed.
5. 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