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## Costs Decision

Site visit made on 23 March 2020

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 May 2020

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### **Costs application in relation to Appeal Ref: APP/L3245/W/19/3243795 The Links Holiday Lodges, The Links, Hinstock, Market Drayton, Shropshire TF9 2NH**

- 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 D & D Culligan for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of 11 Static holiday caravans replacing 5 log cabins, 2 in place to be demolished and site layout, wardens office, play area, drainage, access and amenity area.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG is clear that a Council could be vulnerable to an award of costs against it if it prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant alleges that the Council failed to determine the planning application in accordance with material planning evidence as highlighted by the appellants' Statement of Case. Furthermore, it is alleged that the Council failed to accept the first consultation response from the highway authority despite it having raised no objection. It is also alleged that the decision of the Council to make a delegated decision, rather than take the item to planning committee, was in defiance of its standing orders.

#### *Failure to consider material planning evidence*

4. The costs application does not specify the material consideration that was allegedly not taken into account. However, the appellants' Statement of Case and Planning Statement suggest that the proposal meets the legislative requirements for caravan sites. This therefore asserts that the Council should have taken this legislative license requirements associated with the spacing of caravans into account. However, I have found in my main decision, that complying with such legislation can only have a limited and indirect bearing on the effect of the proposal on the surrounding area. Consequently, the arrangement of caravans may meet the correct spacing requirements of the

legislation, and by association not be considered to be cramped. Nevertheless, I have found in my main decision that the result of the layout would be to create an intensive form of development. This would in any event be harmful to the rural character and appearance of the area.

*Requiring further highway evidence*

5. The planning application was supported by a Transport Statement<sup>1</sup>. This found that the proposal would have a negligible impact on the local highway network.
6. A response was received from the Highway Authority in August 2019, this required further information in regard to the visibility splays, sightlines from 'The Yelves' and construction access details. The appellant provided further information to the Council and accordingly a second response from the Highway Authority reported no objection in September 2019. This second response recommended that any approval included a condition that required appropriate visibility splays to be provided prior to the commencement of development. I therefore cannot concur with the applicant that the first highway response raised no concerns.
7. Therefore, it seems that the required information was necessary, and this removed the concerns of the Highway Authority. It was willingly provided by the applicant and it resolved this concern. As such, the applicant has failed to illustrate unreasonable behaviour on the part of the Council.

*Delegated authority*

8. The applicants have not provided a copy of the Council's standing order pertaining to delegated powers. Furthermore, the applicant has not explained how the Council is alleged to be in breach of its standing order or how this resulted in unreasonable behaviour or wasted expense to the applicant.

**Conclusion**

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

*Ben Plenty*

INSPECTOR

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<sup>1</sup> Transport Statement Report, Modal Highways Consultants June 2019