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## Costs Decision

Site visit made on 18 May 2021

**by Thomas Hatfield BA (Hons) MA MRTPI**

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

**Decision date: 15<sup>th</sup> June 2021**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/21/3267145 Corely, Hazler Rd, Church Stretton, SY6 7AQ**

- 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 Wright for an award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for a proposal described as "*erection of two new detached dwellings and creation of wider access from highway*".
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### **Decision**

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

### **Reasons**

2. Planning Practice Guidance 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.
3. The appellant submits that the Council has acted unreasonably in that it has failed to produce evidence to substantiate its second reason for refusal. It is also asserted that had this matter been resolved at an earlier stage then the appeal could have been avoided altogether.
4. The Council's second reason for refusal related to highway safety. This was based in part on comments provided by the Highway Authority, which requested that further details be provided in relation to the proposed access, including layout and sightlines. Given the site topography, current visibility at this access, and the proposed intensification of its use, this was not an unreasonable request. However, these details were not provided, and it was instead suggested that this be dealt with by condition. As set out in my decision, I do not consider that to be appropriate in this case, and the Council did not act unreasonably in this regard. Moreover, I note that the proposal is for 2 dwellings rather than 1, and so it is unclear that the first reason for refusal could necessarily have been overcome.
5. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Thomas Hatfield*

INSPECTOR