



Costs Decision

Site Visit made on 19 April 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Costs application in relation to Appeal Ref: APP/L3245/W/21/3283408 Land off Cunnery Road, Church Stretton, Shropshire, SY6 6AG

- The appeal is made under section 78 of 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 HF Holidays Ltd (Mr S Miller) against Shropshire Council.
 - The appeal was against a failure to give notice within the prescribed period of a decision on an application for permission in principle for the 'Development of land off Cunnery Road Church Stretton for residential development'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that irrespective of the outcome of an appeal, costs may only 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 associated appeal process.
3. Paragraph 047 of the PPG advises that the type of behaviour that may give rise to a procedural award against a local planning authority could occur where there has been a failure to adhere to deadlines, or a lack of co-operation with the other party. Paragraph 049 advises that a local planning authority could be at risk of a substantive award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably refusing or failing to determine planning applications.
4. The applicant is concerned that a decision had not been issued by the Council within the agreed extended timescale. The Council has not provided any explanation of the reasons for the delay in reaching a decision.
5. The application was not determined by the Council, and while I can understand the applicant's frustration at the delays, I have seen no sufficiently compelling evidence that the Council behaved unreasonably. The Council has indicated that it would have refused the application if it had been able to determine it and has provided clear and detailed reasons why it would not have granted permission. It is not therefore the case that the appeal could have been avoided and therefore the applicant has not incurred unnecessary expense. Moreover, I have found that the Council had reasonable concerns about the proposal in my findings on the appeal.

Conclusion

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Tamsin Law

INSPECTOR