



Costs Decision

Site visit made on 26 July 2022

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Costs application in relation to Appeal Ref: APP/L3245/W/22/3296574 Land off Innage Lane, Bridgnorth, Shropshire WV16 4HJ

- 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 Shropshire Council for a full award of costs against Churchill Retirement Living Ltd.
 - The appeal was against the refusal of planning permission for the erection of 4 x 2 bed age restricted cottage (60 years of age and/or partner over 55 years of age) with 6 parking spaces and associated landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) makes it clear that parties in planning appeals normally met their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. 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.
3. The Council submits that the developer has acted unreasonably by hiding their full intentions with regard to the appeal site and adjacent retirement complex. The Council states that this has led to the submission of the current proposal and subsequently wasted expense at appeal.
4. Although it is clear that the proposals for the site have changed since the approved scheme for the retirement complex, I do not have any substantive evidence before me to demonstrate that the developer misled the Council as part of this. Therefore, I find on balance that it is most likely that the developer merely changed their intentions for the site, this is not unreasonable behaviour. Moreover, the Council, and other interested parties, have had the opportunity to consider the proposals and changes at each stage.
5. I therefore find that unreasonable behaviour which resulted in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Samuel Watson

INSPECTOR