



## Costs Decision

Site visit made on 9 August 2022

**by Bhupinder Thandi BA (Hons) MA MRTPI**

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

**Decision date: 19 August 2022**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/21/3287912 Greenfields Farm, Hilton, Bridgnorth WV15 5NZ**

- 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 Chris Taylor for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for a detached agricultural building and new access gates.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (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.
3. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant contends that the Council have mis-applied relevant development plan policies and implied that his intentions are not genuine.
5. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposed should reasonably have been permitted. Whilst I have not sided with the Council with regard to the merits of the development proposal, they produced a largely cogent report and a decision notice which detailed the reasons for refusal. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Shropshire Local Plan that the proposal would be in conflict with. The Council has substantiated its position at appeal rather than making vague, generalised or inaccurate assertions
6. I acknowledge the applicant's concerns regarding the Council's comments in respect of viability. As can be seen from my decision there are no planning policies which stipulate that an enterprise must be viable. However, it appears that this was one of a number of factors in the Council's case rather than their main argument. I am satisfied that the decision was based on relevant

planning policy, guidance and other considerations. I therefore conclude that the actions of the Council do not amount to unreasonable behaviour.

7. The proposed development subject of this appeal was submitted as a building for agricultural purposes as indicated on the application form and supporting documents. The appeal proposal should have been considered on its own individual merits but based on the Council's comments it appears that the previous application fettered consideration of the appeal scheme. In my view this amounts to unreasonable behaviour, but I am satisfied that no unnecessary or wasted expense was incurred in the appeal process as the appeal was necessary in any event because of the other concerns raised.
8. The applicant contends that due to delays in obtaining planning permission costs have significantly increased for him. The PPG is clear that an award of costs relates to costs associated with the appeal which includes the time spend by appellants and/or their agents in preparing for an appeal or providing advice. Claims relating to indirect losses such as those that may result from an alleged delay in obtaining planning permission are ineligible. Therefore, the development costs at the end of the application and appeal process are not grounds for an award of costs.

### **Conclusion**

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

*B Thandi*

INSPECTOR