



Costs Decision

Site visit made on 18 October 2022

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Costs application in relation to Appeal Ref: APP/L3245/W/22/3300054 Barkers House, Barkers Square, Withington, Shrewsbury SY4 4QG

- 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 J Harmer for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the erection of a four-bedroom detached two storey dwelling to replace a pair of semi-detached dwellings to be demolished (last used as a single unit) and alterations to existing vehicular access.
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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 applicant submits that the Council has acted unreasonably as the reason for refusal is not substantiated or accurate, and no site visit was carried out during the application process. Moreover, the Council did not act proactively and did not properly assign weight to the structural survey submitted by the applicant. They therefore put forward that the Council prevented development that should have otherwise been permitted.
4. It appears from the information before me that the Council may not have been particularly communicative in its consideration of the planning application. The Council also accept that they did not carry out a site visit. Nevertheless, and given the level of detail and information regarding the host dwelling before the Council, it has not been demonstrated that that the lack of communication or site visit necessarily led to the submission of the appeal before me.
5. In issues relating to matters of character and appearance, including where that may affect the historic environment, there is often a strong degree of judgement employed and the matters raised by the Council related to issues where there was a reasonable potential for difference of opinion. I am satisfied that the Council suitably justified its concerns within its submissions. This

included detailing the existing conditions of the site, its surroundings, the contents of the works and highlighting issues which it considered would compromise the non-designated heritage asset or character and appearance of the wider area. The Council, to this extent, justified their decision-making.

6. Although I have reached a different decision to the Council with regard to the retention of the non-designated heritage asset, it is clear that the Council made reference to, and therefore considered, the applicant's structural survey. As such, I do not find that the Council giving the survey's findings a lesser weight to be unreasonable.
7. In light of the above, I consider that the Council did not act unreasonably in their decision making and that the decision was justified against the relevant policies. I consider that the Council did not act unreasonably in refusing the planning application and therefore the work undertaken by the applicant, involved in defending the appeal, was necessary and therefore not a wasted expense.
8. Unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I find that an award of costs would therefore not be justified in this case.

Samuel Watson

INSPECTOR