



Costs Decision

Site visit made on 20 June 2023

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Costs application in relation to Appeal Ref: APP/L3245/W/22/3310764 Hadnall Hall, Shrewsbury Road, Hadnall, Shropshire SY4 4AQ

- 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 S Groves for a full award of costs against Shropshire Council.
 - The application Ref 22/01290/FUL, dated 14 March 2022, was refused by notice dated 11 May 2022.
 - The appeal was against a refusal to grant planning permission for the proposed development described as "construction of 4 detached houses with garages, alterations to access and associated works."
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Decision

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

Reasons

2. The 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. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal).
4. Essentially, the applicant is seeking a full award of costs as they consider the Council behaved unreasonably in determining and refusing the planning application.
5. The applicant alleges that the Council did not work proactively with them during the application process and makes reference to the Council's pre-application advice. However, the Council indicate that pre-application advice for the erection of a single dwelling with garage was formally given to the applicant on 26 March 2019, which stated that the site was located within open countryside and therefore the principle of residential development was considered to be unacceptable. As this pre-application advice was for one dwelling only, I find this to be different to the current proposal for 4 dwellings.
6. It appears that the applicant did not seek any further pre-application advice before submitting the revised scheme for application Ref 22/01290/FUL to the Council. Furthermore, application Ref 22/01290/FUL was submitted to the Council in March 2022, which was three years after the original pre-application advice was given. Therefore, although the pre-application service was available

- to the applicant prior to submitting the revised scheme, the applicant chose not to use it.
7. The Council determined the application within the 8-week period and engaged with the applicant during this time. Therefore, I find the Council to have acted reasonably in this regard.
 8. The applicant claims that the Council's case officer did not visit the appeal site. However, the Council dispute this claim and state that the case officer visited Hadnall Hall on 4 April 2022. I have seen no sufficiently compelling evidence to the contrary. As such, I find the Council to have acted reasonably in this instance.
 9. The applicant claims that the Council did not consider a letter of support from the owners of Hadnall Hall dated 3 May 2022. Although the officer's report did not make specific reference to the letter, the main points raised in relation to the letter were discussed in the officer appraisal section of the report. The officer's report also referred to the local plan review within the Policy & Principle of Development section. The Council indicate that the Stage 1 examination hearing of the local plan review did not take place until July 2022, which was after the decision notice had been issued. The Council also make reference to the local plan review in their statement of case.
 10. The applicant claims that the Council referred to previous appeal decisions that had no bearing on the application. Whilst I did not find these previous appeal decisions to be directly comparable to the appeal scheme, I accept that they were located in Hadnall. Therefore, the Council was entitled to refer to them in their submitted evidence.
 11. The applicant argues that the Council did not determine the scale of harm and the significance of the adjacent non designated heritage asset as required by the National Planning Policy Framework. The applicant also claims that the Council is not consistent with its decision making process. However, the Council exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the evidence before them, the adopted development plan for the area and national planning policy. While, on balance, I do not agree with the Council's decision, sufficiently robust evidence was submitted to show that it did not apply its judgement in an unreasonable manner, in accordance with the advice in the PPG.
 12. Consequently, I have seen no sufficiently compelling evidence that the Council behaved unreasonably. The Council refused the application and provided sufficient detail as to why it did not grant permission. It is not therefore the case that the appeal could have been avoided and therefore the applicant has not incurred unnecessary and/or wasted expense.

Conclusion

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified.

H Smith

INSPECTOR