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## Costs Decision

Inquiry opened on 11 February 2014

Site visits made on 11 February and 26 March 2014

**by Richard Clegg BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 July 2014**

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### **Costs application in relation to Appeal Ref: APP/L3245/A/13/2203327 Field east of Vantage Farm, Bletchley Road, Bletchley**

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Shropshire Council for a partial award of costs against Harrison Farms.
  - The inquiry was in connection with an appeal against the refusal of planning permission for development originally described as 'agricultural sheds, ancillary buildings, new access, road improvements and a landscape scheme'.
  - The inquiry sat for eight days, on 11-14 and 17-18 February, and 25-26 March 2014.
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### **Decision**

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

### **Procedural matter**

2. I have considered the appeal on the basis of a proposal for the erection of six poultry sheds, 16 feed bins, a biomass store, a boiler room and ancillary buildings, including 6 control rooms and an office, the construction of a weighbridge, the formation of a new access, road improvements, a landscaping scheme, and the installation of 212 mono crystalline solar panels on the roof of poultry shed No 6.

### **The submissions for Shropshire Council**

3. The costs application was submitted in writing.

### **The response by Harrison Farms**

4. The response from Harrison Farms was submitted in writing.

### **Reasons**

5. The Planning Practice Guidance advises that 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 appeal process.
6. Planning permission was not refused on the basis of the revised scheme, and it is the scheme which has been the subject of the local planning authority's decision which is the starting point for consideration on appeal. Amendments may be considered as part of an appeal, provided that they do not substantially alter the nature of the proposed development. In its statement of case, the Council took the view that the amended scheme was materially different, and

in a subsequent email it argued that it should not be accepted by the Inspector.

7. On 1 October 2013, prior to the appointment of an Inspector, the main parties were advised by The Inspectorate that a decision on whether to accept amended plans was generally made at the inquiry. In this case I gave a view, on 20 December, that subject to updates to the environmental statement and its non-technical summary (which were submitted on the same date), I would have no objection to discussion of the proposed amended scheme at the inquiry. However my decision that the inquiry should proceed on the basis of the revised scheme was not made until the opening day, after the views of the main parties had been sought, and after the Council had explained that, following the submission of additional material concerning the environmental statement, it had no objection to proceeding in this way.
8. Given the above circumstances, it was to be expected that both main parties would cover both schemes in their preparations for the inquiry, and the Appellant did not behave unreasonably in not advising in advance of the inquiry that it intended to pursue only the revised scheme.

### **Conclusions**

9. I conclude that the Appellant has not behaved unreasonably in respect of the appeal proposal, and, therefore, that an award of costs is not justified.

*Richard Clegg*

INSPECTOR