
Costs Decision

Site visit made on 7 October 2014

by Michael R Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 10 November 2014

Costs application in relation to Appeal Ref: APP/L3245/A/13/2208947 The Gables, Nesscliffe, Shrewsbury SY4 1DB

- 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 & Mrs Neil Fardoe for a full award of costs against Great and Little Ness Parish Council.
 - The appeal was against the refusal of planning permission for outline application (all matters reserved) for residential development to include affordable housing (resubmission).
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Decision

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

Reasons

2. The *Planning Practice Guidance* ('the 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. The PPG states that whilst Parish Councils are not statutory consultees, they do have a role as a consultee in the planning application process provided they have notified the local planning authority that they wish to be consulted¹. The PPG also advises that 'interested parties' who have taken part in the process may apply for costs or have costs awarded against them, although in cases dealt with by written representations it is not envisaged that awards of costs involving interested parties will arise. I regard the Parish Council as an interested party in this case.
4. Although the appeal proposal may accord with the Parish Council's 'Housing Needs Survey', it is a background document of limited weight in the planning process and the Parish Council is not duty bound to follow it or the Council's SAMDev Plan². The proposed development attracted a good deal of local interest both at the pre-application and application stages, and it was open to the Parish Council to revise its views during these processes if it wished. Indeed, such actions are not unusual where the role of the Parish Council includes consideration of residents' views, and I have no reason to believe that

¹ The Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended

² *Site Allocations and Management of Development Plan Pre-Submission Draft (Final Plan)*

“local politics” unduly influenced the Parish Council in this case. These actions do not therefore amount to unreasonable behaviour.

5. Furthermore, I have seen no evidence to show that the Parish Council influenced the applicant’s decision to withdraw the original planning application, or that it misunderstood the subsequent application and failed to make its formal observations clear.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Michael R Moffoot

Inspector