

## Costs Decision

Site visit made on 20 January 2015

**by Karen L Ridge LLB (Hons) MTPL**

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

**Decision date: 12 February 2015**

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### **Costs application in relation to Appeal Ref: APP/L3245/A/14/2218959 Land at Strawberry Fields Farm, Dorrington, Church Stretton, Shropshire**

- 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 D Crow for a full award of costs against Shropshire Council.
  - The appeal was in connection with the Council's refusal of planning permission for the erection of an agricultural storage shed.
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### **Decision**

1. The application for a full award of costs is dismissed.

### **Preliminary Matters**

2. The application for an award of costs was made in writing and is dated 16 May 2014. The Council's response to the application was made in writing and is dated 2 June 2014. The appellant's final comments were in writing dated 5 June 2014.

### **Reasons**

3. The National Planning Practice Guidance (the 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.
4. The Guidance sets out types of behaviour which may result in an award of costs against a local planning authority. This includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations.
5. The application for costs is predicated on the principle that like proposals should be determined in a like manner to ensure consistency. Planning permission had already been obtained for a shed of a similar footprint but larger scale. However, the proposal for a second shed sited in close proximity to the first shed must be considered having regard to the cumulative landscape impact of two large agricultural sheds positioned close together. Just because one shed was considered acceptable in landscape terms did not necessarily mean that a second shed in close proximity to the first would be equally acceptable.

6. I conclude that it was within the bounds of reasonableness for the Council to come to the view that a second shed would be harmful to landscape character. The Council was not bound by its previous decision and there can be no suggestion of inconsistency in this instance. Having regard to the evidence I am further satisfied that the Council has set out its conclusions and supported those conclusions with reasonable evidence.
7. The appellant further contends that the Council behaved unreasonably in requiring justification or the need for the storage shed to be demonstrated. I accept the Council's interpretation of its own policy requirements. However I found that the local plan policy is at variance with the more recent national guidance which is to be preferred in this instance. The assessment against CS policy 5 was a matter of planning judgment and the conclusion was one which fell within the reasonable range.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance has not been demonstrated.

*Karen L Ridge*

INSPECTOR