



Costs Decision

Site visit made on 25 June 2015

by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

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

Decision date: 13 July 2015

Costs application in relation to Appeal Ref: APP/L3245/W/15/3002657 Moreton Grange, Moreton Street, Prees, Shropshire, SY13 2EF

- 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 Ms Anne Taylor for a full award of costs against Shropshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for outline planning permission for the erection of one open market dwelling.
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Decision

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

Reasons

2. National Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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.
3. The PPG goes on to say that; *'If it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period'*. And: *'If an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, if the Inspector or Secretary of State concludes that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether'*¹.
4. The appeal application was registered by the Council on 5 June 2014. No contact was made within the 8 week determination period and no explanation given as to why no decision had been made until 1 October. The Council's problems with regard to staffing levels and increased work loads due to the failure to maintain an up to date development plan are largely of its own making. I also consider that the Council should have done better with regard to keeping the appellant informed of the issues affecting the progress of the application and I appreciate the appellant's frustration at the long delays.

¹ Ref ID: 16-048-20140306

5. Nevertheless, from what I have read, it seems to me that the planning officer responsible for this case was seeking to resolve the problems and issues raised by the Highway Authority and the Council's ecologist. Had the application been determined within the relevant period the concerns of the Highway Authority and ecologist may have led to a refusal to grant outline planning permission. The issue of the Written Ministerial Statement and change to the PPG's guidance regarding planning obligations and its impact on the Council's policies for affordable housing also raised issues that needed to be resolved.
6. These matters should have been resolved quicker. However, for the above reasons, I am satisfied that the Council does have a substantive reason for not determining the application within the relevant period. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Anthony Thickett

Inspector