



Costs Decision

Site visit made on 13 March 2025

by **Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Costs application in relation to Appeal Ref: APP/L3425/D/25/3358732

Coton Grange, Corporation Lane, Shrewsbury, Shropshire

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Janet Cocliff for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of an insulated garage.
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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. The appellant considers that it was unreasonable for the Council to refuse the application on two main grounds. Firstly, refusal on the basis of a lack of justification for the outbuilding, adding that there is no policy requirement to demonstrate justification of an outbuilding in the circumstances of the proposal. The appellant sought to provide information requested by the Council but I am advised that they then received the decision notice. The appellant indicates that an email had previously been sent to the appellant stating that the Council considered the justification for the outbuilding had been demonstrated. The appellant considers that a refusal reason was incorrectly applied concerning a matter that had been satisfied and in the appellant's view it was not a planning reason for refusal.
4. Secondly, the Council considered that the proposed siting of the outbuilding would be outside the residential curtilage. That was despite the approval of an application in 2017 for an outbuilding just north of the appeal site where the appellant indicates that it was set out in the officer's report that the property had a "very large curtilage." The appellant advises that the Council has provided no explanation for the change in their assessment of the curtilage and the result was a reason for refusal that should not have been applied.
5. On the first matter the Council's reason for refusal stated that: "Limited justification has been provided outlining the required purpose and need for the proposed development, particularly when viewed in terms of its overall scale and design, as well as the overall context of the existing provision already on site." The email from the Council referred to by the appellant, was at the pre-application stage and did

indicate that the matter of need for the building was finely balanced given the scale of the garage that had previously been allowed. In addition to the previously approved garage, the appellant also has a barn used for storage purposes. The Council's reasons for refusal of the appeal application included reference to the overall scale and design of the proposed garage. That is a matter of planning judgement and it was not unreasonable for the Council to reach its decision, having regard to development plan policies and what it considered to be a lack of justification for the proposal.

6. Turning to the second matter, the Council's reasons for refusal included that: "Furthermore, the application site lies outside the residential curtilage of the dwelling, therefore full planning permission is required." Although a previous officer's report had referred to the property exhibiting a "very large curtilage" my attention has not been drawn to any specific plan to define that curtilage, as stated at that time, sufficient to confirm that it contained the site subject to this appeal. It is also unclear if the reference was to a curtilage which covered the whole of the property. The application subject to the appeal was for full planning permission and it was not unreasonable for the Council as decision maker to make the judgement that the appeal site was not within the curtilage of the dwelling.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin H Seddon

INSPECTOR