

Costs Decision

Site visit made on 12 September 2016

by Rachel Walmsley BSc MSc MRTPI

Decision date: 24th October 2016

Costs application in relation to Appeal Ref: APP/C1625/W/16/3151294 Fort View, The Stocks, Randwick, Stroud GL6 6JD

- 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 Rendell for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of the Council to grant planning permission for a proposed new dwelling.
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Decision

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

Reasons

2. The application is for a full award of costs in relation to the appeal. I have considered this application in light of the Planning Practice Guidance (the PPG). 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 evidence before me confirms that at the pre-application stage, the Planning Officer raised concerns for the design and scale of the proposal and the impact the development would have on the character and appearance of the Randwick Conservation Area (CA) and the Cotswolds Area of Outstanding Natural Beauty (AONB). This advice, as set out in the pre-application letter¹ was that of an Officer of the Council, which took into account discussions with the Council's Development Control Manager and Senior Conservation Officer. Prior to deciding the planning application, a different Planning Officer raised an in-principle objection to a dwelling on the site, referring to the potential impact on the CA and AONB.
4. I have little evidence before me that clarifies the in-principle nature of this objection; discussions were held at a meeting on 10 February 2016 which I have limited details of. Notwithstanding this and the comparisons drawn with a planning appeal for Myrtle Cottage, each case must be decided on its own merits. The planning application was refused on the grounds of the impact of the development on the CA and AONB which had been a concern throughout the pre-application and planning application process. I find, therefore, that the Council gave justifiable reasons for refusing the planning application and as a

¹ In a letter dated 2 December 2014

result did not behave unreasonably in refusing the application on the grounds stated.

5. In refusing the planning application the Officer referred to the scale and design of the proposal and raised concerns for the relationship the development would have with the character of the site and its surroundings, not least because of the cumulative impact the dwelling and raised patio area would have. Whilst the Officer's appraisal is limited in detail and references to the development plan are vague, it is not devoid of such details. On this basis I am satisfied that the appraisal underpins the reasons for refusal and therefore I do not find that the Officer refused the planning application unreasonably.

Conclusion

6. In light of the above I am satisfied that the Council assessed the proposal against the relevant policies and considered all relevant aspects of the planning application in order to reach a fair conclusion. I have found that the Council has not behaved unreasonably in reaching its conclusions and therefore I conclude that a full award of costs, towards the expense of the appeal, is not justified.

R Walmsley

Inspector