
Costs Decision

Site visit made on 15 November 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 8 December 2016

**Costs application in relation to Appeal Ref: APP/P1615/D/16/3156134
Beaconsfield, Hudnalls Loop Road, St Briavels, Gloucestershire GL15 6SG**

- 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 Pennie Tilston / Dr Graham Ward for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for alterations to outbuildings to improve appearance and use of dwelling and garage.
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Decision

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

Reasons

2. Paragraph 030 of Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an appeal, 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. Paragraph 049 of PPG states that examples of unreasonable behaviour by local planning authorities include the failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
 4. I appreciate that the outcome of the application will have been a disappointment to the appellant and that the appellant feels disadvantaged because other properties in the area have been granted planning permission for extensions. However, the Council was not unreasonable in coming to its decision. Indeed, it will be seen from my decision, following careful consideration of all material considerations, including the planning history of the site and that of the neighbouring property known as Rodmar and other developments in the area, that I agree with the Council that there is sufficient reason to justify withholding planning permission.
 5. Also, I am not convinced that the harm I have found would be acceptably mitigated by the instigation of a landscaping plan. It follows therefore that I am satisfied that the Council has been able to substantiate its reason for refusal, which I have not found to present vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
 6. In reaching its decision, the Council was entitled to give substantial weight to its adopted Supplementary Planning Guidance, Residential Design Guide. Whilst
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reference is made to Inspector's repeatedly advising that it is not a suitable document for schemes such as the one proposed, I have not been provided with evidence to this effect.

7. There is dispute between the parties over whether or not the Council sought to resolve matters relating to the design of the proposal through the process of the planning application. In this regard, it is clear from the appellant's evidence that a number of options were presented to the Council. However, it is also clear that the options put forward did not resolve the Council's objection to the proposal and the appellant therefore requested that the application be determined without revisions. On this basis it is clear that an appeal would not have been avoided.
8. The appellant states that it transpires from a meeting with the Council that the reason for refusal is in respect of a very minor part of the development relating to a 6m length of ridgeline. Notwithstanding the materiality of any difference, I have not been provided with evidence which confirms from the Council's perspective that this is the precise extent of its concern.

Conclusion

9. Therefore, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

Richard S Jones

INSPECTOR