
Costs Decision

Site visit made on 7 December 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 23 January 2017

Costs application in relation to Appeal Ref: APP/P1615/W/16/3158656 Land at Wall Weir, Tidenham Chase

- 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 Peter Evans for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for erection of agricultural shed.
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Decision

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

Procedural Matter

2. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision.

Reasons

3. The 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.
 4. The appellant claims that the Council acted unreasonably in refusing planning permission on the basis that it failed to produce evidence to substantiate each reason for refusal; and that it made vague, generalised and inaccurate assertions about the proposal's impacts, unsupported by an objective analysis.
 5. This includes claims that the Council based its conclusions on an old report prepared in respect of a previous planning application; that it did not substantiate its concerns relating to the building not being designed for agriculture and being inappropriate for modern agricultural practices and machinery; that it did not produce any evidence to challenge the submitted Landscape and Visual Impact Assessment (LVIA) and Natural England's consultation response; that it is apparent that officers did not visit the LVIA vantage points; and that assertions in respect of the issues concerning the Special Areas of Conservation were inaccurate and based on outdated information.
 6. Notwithstanding my conclusions on the appeal proposal, I am satisfied that the Council clearly set out its reasons for refusal in the decision notice, based on
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relevant adopted and emerging development plan policy, its Landscape Supplementary Planning Document, and the Wye Valley Area of Outstanding Natural Beauty Consultation Draft Management Plan 2014-2019. Those reasons for refusal were also adequately explained in the Council's Officer report.

7. In conclusion, for the above reasons, I find that the Council did not behave unreasonably in determining the application and that, therefore, the applicant's costs in pursuing the appeal were not unnecessarily incurred or wasted. For this reason, and having regard to all other matters raised, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR