
Costs Decision

Site visit made on 7 November 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 20 November 2017

Costs application in relation to Appeal Ref: APP/G1630/D/17/3181369 Bramble Cottage, Spring Lane, Cleeve Hill, Cheltenham GL52 3PY

- 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 Smith for a full award of costs against Tewkesbury Borough Council.
 - The appeal was against the refusal of planning permission for a first floor and roof extension to provide two additional bedrooms and new entrance porch.
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Decision

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

Reasons

2. Planning Practice 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 expense in the appeal process.
3. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; or by not determining similar cases in a consistent manner.
4. It is clear that there was a significant period of time between the initial submission of the application and its determination which was due, at least in part, to the submission of revised plans on a number of occasions. However as I have dismissed the appeal on the basis that the proposal would harm the character and appearance of the host dwelling and the area, I cannot conclude that any delays in the consideration of the application prevented or delayed development that should have been permitted.
5. The Council is correct that each development must be determined on its own merits, though regard can be had to the context of the site, including other extensions or dwellings nearby. In this case I consider the other examples referred to by the appellant are not similar to the proposal for the reasons I have given in my appeal decision. As such I do not consider the Council has acted inconsistently.

6. In summary, I do not consider it has been demonstrated that the Council acted unreasonably or that it has caused the appellant any unnecessary or wasted expense, as described in the PPG. Consequently the application for an award of costs is refused.

Andrew Owen

INSPECTOR