



Department for
Communities and
Local Government

21 December 2017

Rachel Sandy
Highways England
2/07K Temple Quay House
2 The Square
Bristol
BS1 6HA

Our ref: APP/G1630/W/16/3154464
APP/G1630/W/16/3164033

Dear Madam

**LOCAL GOVERNMENT ACT 1972 – SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 AND 320
APPEALS MADE BY ROBERT HITCHINS LIMITED
AT LAND AT TWIGWORTH, GLOUCESTER, GLOUCESTERSHIRE
APPLICATION: REF 15/01149/OUT
AND LAND AT INNSWORTH, INNSWORTH LANE, GLOUCESTER,
GLOUCESTERSHIRE GL3 1DU
APPLICATION: REF 15/00749/OUT**

APPLICATION FOR AN AWARD OF COSTS

1. I am directed by the Secretary of State to refer to the enclosed letters notifying his decision on the appeals as listed above and summarised below:

appeal against the decision of Tewkesbury Borough Council to refuse your client's application for planning permission for a mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33 ha (A1, A2, A3, A4, A5, D1, D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road, in accordance with application ref: 15/01149/OUT, dated 20 October 2015.

appeal against the failure of Tewkesbury Borough Council to determine your client's application for planning permission for a mixed use development comprising demolition of existing buildings; up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23 ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31 ha (B1)

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and business park of 2.77 ha (B1 and B8 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane, in accordance with application ref: 15/00749/OUT, dated 6 July 2015

2. This letter deals with your application for a full or partial award of costs against Robert Hitchins Limited. The application as submitted and Robert Hitchins Limited's response are recorded in the Inspector's Costs Report, a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's Costs Report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.
4. The Inspector's conclusions are stated at paragraphs 16-23 of his Costs Report. He recommended that your application for a full or partial award of costs be refused.
5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in his report and accepts his recommendation. Accordingly, he has decided that a full or partial award of costs against Robert Hitchins Limited on grounds of 'unreasonable behaviour', is not justified in the particular circumstances. The application is therefore refused.
6. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the day after the date of the Costs decision.
7. A copy of this letter has been sent to the agent for Robert Hitchins Limited and Tewkesbury Borough Council.

Yours faithfully,

Philip Barber

Authorised by the Secretary of State
to sign in that behalf