



Costs Decision

Site visit made on 4 January 2018

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2018

Costs application in relation to Appeal Ref: APP/C1625/W/17/3181366 Pier View, 34 Oldminster Road, Sharpness, Berkeley GL13 9NA

- 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 Chris Easton of Easton Bevins Ltd for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for what was originally described as originally described as "The Daisy Chain Project: energy efficient housing. 2,3 and 4 bed housing around existing hotel."
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that 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. The applicant has not provided a detailed account of what aspects of the Council's behaviour they consider to be unreasonable in the context of the PPG. They argue that due to the actions of the Council, they have been left with no choice but to appeal rather than resubmit an application and incur additional costs associated with that. They also state that they are not convinced that any further applications will be dealt with properly. They consider that the delay has meant that no works can be undertaken on the public house.
4. The PPG¹ states that costs that are unrelated to the appeal or other proceedings are ineligible. It also states that awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission. As such, irrespective of the appellant's concerns over the handling of the planning application, the nature of the delay and costs associated with this appear to fall outside the scope of the costs regime. Equally, any concerns over the handling of applications that are unrelated to this appeal also falls outside of the scope of a costs application. It is also not clear how the delay in the carrying out of works on the public house has resulted in unnecessary or wasted expense in relation to the appeal process.
5. As I have accepted the Council's position with regard to the appeal, there is

¹ Paragraph 032 ID: 16-032-20140306

nothing to suggest that they acted unreasonably in terms of preventing or delaying development that should clearly have been permitted, having regard to its accordance with the development plan, national policy or any other material considerations. The fact that the applicant disagreed with the decision and decided to submit an appeal is not evidence of unreasonable behaviour on the Council's part.

6. Although not raised specifically by the applicant, the Council has sought to address any potential concerns over the determination and timing of the planning application. I noted several references in the appeal evidence to the applicant stating that if they had been allowed more time then certain issues could have been resolved. However, as the Council had fundamental concerns over the principle of development, it is unlikely that allowing time for additional evidence to be submitted on detailed matters would have resulted in a different decision being made. While I recognise the highways issue was resolved subsequent to the decision being made, there is no guarantee that the additional evidence would have resolved the Council's other concerns. In such circumstances, I do not consider it unreasonable that the Council proceeded to determine the application. Accordingly, the appeal is still likely to have taken place.
7. While I see nothing unreasonable in how the Council considered the application, it is not clear that a different approach would have avoided an unnecessary appeal. In continuing to discuss and resolve the highways issues subsequent to the decision being made, the Council also demonstrated a willingness to narrow the areas of dispute prior to the decision being made. However, the applicant did not seek to address the Council's other detailed concerns with any additional information. As such, I can see no evidence of unreasonable behaviour or any wasted or unnecessary expense related to the appeal process.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S J Lee

INSPECTOR