
Costs Decision

Site visit made on 27 February 2018

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2018

**Costs application in relation to Appeal Ref: APP/C1625/W/17/3180892
Katherine Lady Berkeley Mews, School Road, Wotton-Under-Edge,
GL12 7JL**

- 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 Free of Folly Construction for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for the conversion of an existing outbuilding to single dwelling.
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**Costs application in relation to Appeal Ref: APP/C1625/Y/17/3180893
Outbuilding Katherine Lady Berkeley Mews, School Road, Wotton-Under-Edge, GL12 7JL**

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Free of Folly Construction for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of listed building consent for the conversion of an existing outbuilding to single dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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 Guidance advises that awards may be procedural relating to the appeal process, or substantive relating to the planning merits of the appeal. All parties are expected to behave reasonably throughout the planning process, and costs can only be awarded in relation to unnecessary or wasted expense at the appeal. The Guidance makes it clear that costs cannot be claimed for the period during the determination of the planning application, although behaviour of the parties at this time can be taken into account.
4. The applications for a full award of costs and the response of the Council have been made in writing and will not be repeated here in any detail. The appellant seeks a full award on a number of grounds, considering the unreasonable

behaviour of the Council has caused unnecessary and wasted expense in the appeal process.

5. Of concern for the appellant is that the refusal of the listed building consent did not correspond with the Conservation Officer's comments on the planning application. The Council also failed to consider the use of existing access, and there was no County Highways objection to the scheme. The development has been delayed, and unnecessary expense has occurred through the submission of an appeal.
6. For the reasons given in my decision I have found substantive reasons for dismissing the appeals. Although the use of standing orders was relied upon for highway matters, the reason for the refusal of the planning application was precise and based on an assessment of the site and the existing access. An explanation to support the reason for refusal was provided with the appeal, including why the use of the existing access was not acceptable having regard to the current development plan and other considerations.
7. The reasoning for the refusal of the planning application was also clear in that it was considered to be a new building which would be out of character with its context. However, this refusal did not refer to the impact of the scheme on the listed buildings. This inconsistency was remiss of the Council and would have been frustrating for the appellant. Nevertheless, the outbuilding is listed and works to it would require listed building consent. Both applications were refused and as such the pursuant appeals would not have resulted in unnecessary or wasted expense for the appellant.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance has not been demonstrated.

J J Evans

INSPECTOR