The Planning Inspectorate

Costs Decision

Site visit made on 9 April 2018

by S Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2018

Costs application in relation to Appeal Ref: APP/F1610/W/17/3191798
Land adj. 19 Point Road, Avening, Gloucestershire, GL8 8LY

- 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 S Trinder for a full award of costs against Cotswold District Council.
- The appeal was against the refusal of planning permission for the erection of a detached 3-bed dwelling together with associated ancillary development.

Decision

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

Reasons

2. The 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. Paragraph 031 of the PPG states that unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process or substantive, relating to the issues arising from the merits of the appeal. The applicant asserts that there are substantive grounds for an award of costs.

3. The PPG Paragraph: 049 advises 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 unreasonably defending appeals. An example of this is a failure to produce evidence to substantiate each reason for refusal on appeal.

4. The appellant states that the Council has been unreasonable in not providing evidence that the cumulative impacts of the development would be severe, referencing paragraph 32 of the National Planning Policy Framework (The Framework) and that the Council failed to provide evidence that the effect of the development on highway safety would be severe.

5. However, it will be seen from my decision that having had regard to the appellants comments about bullet point 3 of paragraph 32 of the Framework, I nevertheless found the appeal scheme unacceptable on highways safety grounds, as it fails to provide a safe and suitable access to the site and conflicts with development plan policy.

6. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Local Planning Authority were not

unreasonable in coming to their decision. Indeed, following consideration of the application on its merits alone, I have concurred with the Council. I am satisfied that the evidence presented by the Council has substantiated its position and I concur that the proposed parking arrangement would have an unacceptable effect upon highway safety.

7. I acknowledge that the planning application was refused on a highway matter alone, but this is a consideration which resulted in the Council refusing the application.

Conclusion

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

Steven Rennie

INSPECTOR