

Costs Decision

Site visit made on 20 August by Ben Phillips Msc Bsc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Costs application in relation to Appeal Ref: APP/P1615/W/19/3228130 Land Adjacent to 47 Steam Mills, Cinderford, GL14 3JD

- 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 Christopher Lane for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for the following described development 'Outline application for the erection of one detached dwelling. (Some matters reserved).'
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. It also sets out that costs may only be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant has indicated that the Council has relied on a narrow and misplaced interpretation of policy in the determination of the planning application, relying on its Residential Design Guide (RDG) and a small part of paragraph 127 of the Framework.
4. Although the development plan appears silent on the matter of living conditions, it was not unreasonable of the Council to make reference to its RDG or the Framework to support its concern in respect of the amount of private garden that was proposed. I am satisfied that the Council substantiated its reason for refusing the planning application. The applicant's costs associated with the appeal were a necessary part of the process.

Conclusion

5. In light of the foregoing it is found that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I recommend that an award of costs is not justified in this case.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

6. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that an award of costs is not justified in this case.

R C Kirby

INSPECTOR