



Costs Decision

Site visit made on 4 December 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

**Costs application in relation to Appeal Ref: APP/G1630/W/19/3236306
The Barn, Half Penny Farm, Cold Pool Lane, Badgeworth, Cheltenham,
Gloucestershire GL51 4UP**

- 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 D Millard for a full award of costs against Tewkesbury Borough Council.
 - The appeal was against the refusal of prior approval for change of use of an agricultural building to a single dwelling house (C3) along with associated works reasonably necessary for the conversion.
-

Decision

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

Reasons

2. The Planning Practice 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 appellant states that the appeal was unnecessary as the LPA have acted unreasonably by proceeding directly to refuse an application without gaining necessary clarification; and failed to proactively engage with the applicant through the application process.
4. Whilst I note the appellants concerns with regard to the manner in which it reached its determination, I consider that the decision was appropriately assessed against the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). On balance, I do not find that the Council were unreasonable in terms of when and how it reached its decision to refuse planning permission.
5. Details of discourse between the parties has also been provided. I note that the Council did notify the appellant of their concerns prior to determining the application and that additional information submitted was considered. I also acknowledge that an extended time period was agreed between the parties as permitted under article 7 of the GPDO. I am not persuaded that the information submitted as part of this Costs application demonstrates a lack of co-operation on the part of the Council.

Conclusion

6. For the reasons outlined above, I therefore conclude that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. Consequently, an award of costs is not justified.

Robert Lankshear

INSPECTOR