The Planning Inspectorate

Costs Decision

Site visit made on 30 July 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Costs application in relation to Appeal Ref: APP/G1630/W/20/3247145 Three Ways, Claydon, Tewkesbury GL20 7BH

- 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 H Rogers for a full award of costs against Tewkesbury Borough Council.
- The appeal was against the failure of the Council to issue a notice of its decision within the prescribed period on an application for planning permission for the use of land at established residential Gypsy and Traveller site for 3 additional mobile home pitches with associated parking; erection of extended acoustic fence adjacent to railway line; use of existing building for low key Use Class B8 (storage or distribution) purposes; formation of enclosed overspill car parking area and comprehensive landscaping.

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. In my decision I have shared the concerns of the Council's 2 putative reasons for refusal, considering them to be adequately explained and supported, and I have found a development plan conflict arising as a consequence. Therefore, refusing the scheme for those reasons was not unreasonable. The applicant considers there has been a trail of Officer support for the proposal. However, such support, of itself, does not mean planning permission will be forthcoming and it is not necessarily unreasonable for the Council's formal decision to differ from the views of its Officers if the reasons for that decision can be substantiated.

4. The applicant has not shown that better communication would have overcome the concerns raised and so avoided the appeal. Reasons for the delay in determining the application have not been made clear. However, if the Council had dismissed the application more quickly as the applicant suggested, I have no basis to find that expense in the appeal process would have been saved, but rather consider that would just have resulted in the appeal taking place at an earlier date. Although I assume the applicant's statement was written before he had sight of the putative reasons for refusal, it nonetheless covers the grounds raised and does not elaborate unnecessarily on areas that were not contested. I therefore find the applicant has not incurred unnecessary expense in the appeal process because of the Council's actions.

5. The remainder of the applicant's case rests on the Council's approach to the determination of the planning application, and so lies beyond the scope of the appeal process and this costs application. Overall, if he considers the handling of the case, the advice he was given, the conduct of Council representatives or what he perceives to be the disconnect within the Council were unreasonable or inappropriate in some way, it may well be possible to explore those through other avenues.

Conclusions

6. I therefore conclude it has not been shown the Council has behaved unreasonably and thereby caused the applicant to incur unnecessary or wasted expense in the appeal process, and so the application for costs is refused.

JP Sargent

INSPECTOR