



Costs Decisions

Hearing Held on 25 August 2020

Site visit made on 24 August 2020

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Costs application in relation to Appeal A: APP/P1615/W/19/3242248 Callow Hill Farmhouse, Brand Green, Redmarley, Gloucester GL19 3JE

- 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 Ms Jane De La Mare for a full award of costs against Forest of Dean District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
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Costs application in relation to Appeal B: APP/P1615/Y/19/3242256 Callow Hill Farmhouse, Brand Green, Redmarley, Gloucester GL19 3JE

- 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 Ms Jane De La Mare for a full award of costs against Forest of Dean District Council.
 - The hearing was against the refusal of listed building consent for works described as: After approved design to create one bedroomed annex/holiday cottage.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. Part of the appellant's costs claim is that the Council's decision to validate the S73a application, when they later deemed there to be no extant permission, as set out in their first reason for refusal in Appeal A, amounted to unreasonable behaviour.
4. The PPG advises that planning applications should be validated as soon as practicable to allow the formal process of publicising and consulting on the application. The validation of an application is based on the submission of various documents which include a completed application, drawings and plans, and the correct application fee. Validation is not where consideration of the submitted evidence or merits of a case would be carried out which in this case

included an independent statutory declaration and other correspondence. I do not consider, therefore, that the Council's decision to validate the application amounted to unreasonable behaviour.

5. Whilst it is perhaps regrettable that the Council did not raise their concerns over whether permission DF10163 had lapsed before refusing planning permission, they nevertheless considered all the evidence before them and then clearly set out cogent reasons for their findings in this respect in their officer's report/decision notice. The Council's actions in terms of determining the application under Appeal A I therefore do not find to be unreasonable.
6. It will be seen from my decision that I agree with the Council that permission DF10163 has lapsed and that Appeal A is invalid, therefore I consider the Council had a reasonable basis for their stance. Consequently, the Council did not consider there to be a fallback position to be weighed into the balance, which is not unreasonable in the circumstances.
7. The Council list their Residential Design Guide and subsequent supplement: Alterations and Extensions under a policy section in their statement but make no specific reference to any advice contained within it. Policy AP.1 of the Allocations Plan which was referenced on the Council's Decision Notice talks in broad terms about developments being sustainable in terms of improving the economic, social and environmental conditions of an area of which heritage would come under. These matters do not, therefore, amount to the introduction of new issues at appeal stage.
8. For the reasons set out above I do not find that the Council acted unreasonably. As such there can be no question that the applicant was put to unnecessary or wasted expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated.

Hayley Butcher

INSPECTOR