
Costs Decision

Site visit made on 8 September 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Costs application in relation to Appeal Ref: APP/C1625/W/20/3252553 Cranleigh, Penn Lane, Kings Stanley GL10 3PX

- 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 & Mrs Wright for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for the erection of one new dwelling with associated hardstanding/parking.
-

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 application for costs relies on substantive matters relating to the planning merits of the appeal, in that the appellant asserts that the Council have prevented development that should have been permitted.
4. However, I have found that the scheme would result in unacceptable harm to the living conditions of the occupiers of the adjacent dwelling and thus dismissed the appeal on this basis. The reference to the use of a planning condition to overcome this harm would not mitigate the adverse effect. As such, the scheme should not have been permitted. Whilst I have found that the proposal would have an acceptable effect on the character and appearance of the area, this is a matter of planning judgement and I consider that the Council was not unreasonable in considering otherwise. The case for the Council in this respect is clearly outlined within the Officer's report and Appeal Statement and does not rely on vague or generalised assertions.
5. There is further reference to the decision to refuse the planning application being contrary to advice given at the pre-application stage. It is commented that the pre-application advice given was that the principle of the development of one dwelling was acceptable, subject to further information in respect of highways matters.
6. In this respect, I note that the Council do not dispute that no issues were raised in respect of the layout of the proposed development at the time that the pre-application advice was given. Whilst I acknowledge that it is

unfortunate that concern in respect of the development was not raised at this early stage, I am also conscious that pre-application advice is provided by the Council on a without prejudice basis, comprises the informal advice of a planning officer and does not consist of a formal determination by the Council.

7. Additionally, whilst I note that there was a degree of negotiation during the course of the planning application, this too would be informal advice, prior to the formal determination of the Council.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified.

Martin Allen

INSPECTOR