
Costs Decision

Site visit made on 28 September 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Costs application in relation to Appeal Ref: APP/F1610/D/20/3255278 14 The Ferns, Tetbury, GL8 8JE

- 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 Simon Percival for a full award of costs against Cotswold District Council.
 - The appeal was against the refusal of planning permission for developed described as 'Construction of sun room and dining room from existing garage incorporating bi folds and roof lights to maximise light. End Elevation adjacent to carriageway will be partially clad in larch to blend with adjacent fencing; softening and integrating the building with the garden and environment. Proposed ensuite for main bedroom with window incorporating obscured glass see design and access statement'.
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Decision

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

Reasons for Recommendation

2. The Planning Practice Guidance (PPG) sets out that irrespective of the outcome of an appeal, costs may only be awarded where a party has behaved unreasonably, in either a procedural or substantive way, which has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. The appellant has submitted a document outlining costs for preparing a Design and Access Statement and Appeal Statement. No further evidence has been provided in support of the cost's application. The Council has not commented on this matter.
5. The Council substantiated its reasons for refusing the application and I have observed nothing in the information submitted with the appeal which would suggest that the Council has behaved unreasonably in either a procedural or substantive way which has resulted in wasted expense being incurred by the appellant during the appeal process.
6. Therefore, for this reason I recommend that the application for an award of costs is not justified in this case.

Recommendation and Conclusion

7. For the reasons outlined above, and having regard to all other matters raised, I recommend that an award of costs is refused.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

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

R C Kirby

INSPECTOR