



Costs Decision

Site visit made on 19 November 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Costs application in relation to linked Appeals Ref:

APP/U1620/W/20/3255958 and APP/U1620/W/20/3255959

Yucca Cottage, 32 Curtis Hayward Drive, Quedgeley, Gloucester, GL2 4WL

- 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 Mrs A May for a full award of costs against Gloucester City Council.
 - The appeal was against the failure to give notice within the prescribed period of a decision on 2 applications for outline planning permission, each for the erection of a single dwelling on land adjoining an existing residential property.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. The appellant submits that the Council has acted unreasonably in 1) failing to determine the applications against the provisions of the Local Plan and the Framework and 2) failing to determine the applications in a reasonable timescale.
4. In my appeal decision, I have identified several counts on which the Council failed to determine the applications in line with local policies. In particular, the Council has relied upon matters of layout and scale in its reasons for refusal, which are reserved for consideration a later stage. No substantial explanation is given as to why these issues were unacceptable in principle.
5. I agree with the Council that an ecological survey is required. However, I do not consider that the Council has been clear in its reasons for this requirement, nor explained why the conflict with the local plan must be dealt with before planning permission is granted. I note that the Council also refers to the wrong site in its statement.
6. The Council acknowledges that there is a shortfall of deliverable housing, but in their planning balance, only weigh this against the alleged harm to character and appearance, living conditions and highway safety, none of which I consider were reasonably substantiated by the Council. I therefore do not consider that

they demonstrated that the adverse impacts would significantly and demonstrably outweigh the benefits.

7. The failure to give notice within the prescribed period, including extensions of time agreed to by the appellant, has caused additional delay and led to an unnecessary appeal.
8. No response to the application for costs has been received from the Council, nor reason given for the delay in determining the application, so the application is undefended.

Conclusion

9. For the collective reasons outlined above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Gloucester City Council shall pay to Mrs A May, the costs of the appeal proceedings described in the heading of this decision.
11. Mrs A May is now invited to submit to Gloucester City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, such costs will be assessed by the Senior Courts Costs Office.

B Davies

INSPECTOR