



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 January 2021

Appeal Ref: APP/G1630/W/20/3257408

Stonehaven, Twigworth Fields, Twigworth, Gloucester, GL2 9NH

- 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 Selina Greenland (Coats and Tails) for a full award of costs against Tewkesbury Borough Council.
 - The appeal was against the is the change of use of ancillary residential building and part of garden to include business use as dog day care/dog grooming (amended red line). Change of use of adjacent strip of land to residential and dog/daycare use.
-

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 this case, the Council did not adequately respond to the appellant's suggestion of a temporary permission on several occasions. Given the onus on the Council to take a positive and proactive approach to development proposals, and that the suggestion had merit given the circumstances of the case, it would have been appropriate for them to respond to this suggestion. I do not consider that this behaviour was reasonable.
4. However, the Council also refused the application because of the potential harm to the character and appearance of the area. This is a matter of planning judgment, and although I have concluded differently, the Council provided clear justification for their stance. An appeal would therefore not have been avoided.
5. Issues in relation to noise can be complex and, in this case, requiring an assessment of the character of the noise was not unreasonable. It is clear from the Council's evidence that they considered the harm from dog barking to be fundamentally unacceptable and I consider that a temporary permission would not have overcome their objections. On this basis, I do not find that issues relating to noise and the submission of evidence could have been avoided at appeal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award for costs is not justified.

B Davies

INSPECTOR