
Costs Decision

Site visit made on 12 January 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2021

Costs application in relation to Appeal Ref: APP/C1625/W/20/3260218 Old Passage Inn, Passage Road, Arlingham GL2 7JR

- 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 Richard D'Arcy-Evans for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for change of use from mixed use (residential/restaurant/ bed & breakfast) to dwelling house (Use Class C3).
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Decision

1. The application for a full award of costs is refused.

Reasons

2. 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. The PPG provides a number of potential examples of unreasonable behaviour by local planning authorities.
3. Among other things, these can include preventing development which should clearly be permitted, having regard to its accordance with the development plan, and refusing planning permission on a planning ground capable of being dealt with by condition.
4. In this context, the applicant has reiterated its position submitted in their statement of case under the appeal, insofar as they disagree with the Council on a number of grounds. Consequently, therein I found the Council's position was fundamentally correct in that the proposal generated conflict with Paragraph 163 National Planning Policy Framework (the Framework).
5. Correspondingly, under this application, I cannot conclude that the Council prevented development which should clearly be permitted, or that the prospect of a planning condition was a reasonable mechanism to grant planning permission and was overlooked.
6. It is quite clear that the reasons for refusal in the Council's decision notice have been derived from an assessment of substantive evidence submitted with the proposal and based a precise policy conflict under Paragraph 163 of the Framework. Consequently, it is not clear how the Council has failed to act substantively or without the required degree of precision.

7. There is no evidence in front of me, by way of written correspondence or otherwise, demonstrating that contentions about the Council's actions relating to the requests for additional information or predetermination are well founded. Overall, there is no evidence in front of me that the Council acted unreasonably or that their actions resulted in unnecessary or wasted expense.

Conclusion

8. For the reasons given, the application for a full award of costs is therefore refused.

Liam Page

INSPECTOR