The Planning Inspectorate

Costs Decision

Site visit made on 23 March 2021

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2021

Costs application in relation to Appeal Ref: APP/U1620/W/20/3264399
Land to rear of 11 Shakespeare Avenue, Gloucester GL2 5AW

- 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 M Halford for a full award of costs against Gloucester City Council.
- The appeal was against the refusal of planning permission for the erection of a detached bungalow.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

3. The appellant claims that the Council have failed to approve development that clearly accords with the development plan. Furthermore, they failed to adequately substantiate their case, giving only vague reasoning which did not refer clearly to any element of policy.

4. As context, the appellant has referred to officer failings at pre-application stage to explain why they did not support the revised scheme in light of another Inspector's findings[1] on an earlier proposal. Furthermore, at application stage the appellant refers to a lack of engagement by a new case officer and slow processing of the application. Additionally, the appellant has indicated that a Planning Advisory Service (PAS) Review identified systemic poor service more generally at the Local Planning Authority.

5. I am mindful that within my Appeal Decision I have reached a contrary conclusion to the Council. However, I do not consider that the Council behaved unreasonably in reaching the conclusion that it did, rather a substantiated planning judgement was exercised, based on the evidence before them. This clearly included, as relevant and recent planning history, the findings of another Inspector against an earlier proposal at the site. Furthermore, the Council's delegated officer report and their Decision Notice show clear regard to

[1] PINS ref: APP/U1620/W/18/3218938

relevant local and national policies. However, I have carried out a similar assessment, made my own judgement and reached a different conclusion.

6. I acknowledge that the appellant clearly feels frustrated with the lack of officer support for their scheme. This appears to be compounded by their perception that the officers' concerns were not substantiated or that some form of antithesis towards the proposal and/or appellant was occurring. However, I have very little evidence to support this. Furthermore, I have not been provided with full details of the PAS Review. As such, whilst I note the extracts that I have been given, I afford this little weight in relation to the Council's handling of this specific matter.

7. Nonetheless, it is clear that the planning application was assessed some time beyond the statutory timescales for determination. This is a concern and I have little information to explain why this happened. However, even if I were to find unreasonable behaviour in this regard, I do not find that it would have led to a different outcome. As such, unnecessary or wasted expense has not occurred.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

James Taylor

INSPECTOR