
Costs Decision

Site visit made on 8 February 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Costs application in relation to Appeal Ref: APP/F1610/W/20/3264455 Sheafhouse Farm, Draycott Road, Blockley, Gloucestershire GL56 9DY

- 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 and Mrs Spittle for a full award of costs against Cotswold District Council.
 - The appeal was against the refusal of planning permission for the change of use of agricultural land for the change of use of agricultural land for the siting of 4no. safari tents.
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Decision

1. The application for costs is refused.

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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. From the applicant's statement it appears that the Council were not willing to accept the revised plan or the additional information relating to issues such as biodiversity and noise impacts. The issues of biodiversity and noise did form reasons for refusal with the Council Decision Notice, but there were other issues also, such as the conflict with tourism accommodation policies of the Development Plan and also the impact to the Area of Outstanding Natural Beauty landscape that would result from the proposed safari tents. As such, I do not consider that the Council acted unreasonably in determining the planning application when they did, without further negotiations or consideration of more evidence.
4. As there were these other reasons for refusal it does not appear likely that even if the Council were satisfied that there would be no harm to the local biodiversity or neighbour living conditions as a result of the proposed development that this would have resulted in the granting of planning permission. I would agree that the issues of noise and biodiversity needed to

be addressed, but therefore it is not clear why there would be additional costs due to this information being considered at the appeal stage instead of with the process of the planning application.

5. With regards to local opposition, it is not unreasonable to consider comments received and there is no substantive evidence before me that the Council were "unduly" influenced in their decision making.
6. Therefore, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Steven Rennie

INSPECTOR