



Costs Decision

Site visit made on 10 August 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Costs application in relation to Appeal Ref: APP/P1615/W/21/3273568 Ash Farm, Morse Lane, Drybrook, GL17 9BE

- 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 the Forest of Dean District Council for a partial award of costs against Ann Sullivan and Hazel Bullock.
 - The appeal was against the refusal of planning permission for conversion of no. three barns to no. 4 dwellings and associated works.
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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. The Council submits that the appellants acted unreasonably by only submitting substantial evidence regarding highway safety at the appeal stage.
3. Given that there were several reasons for refusal, I do not consider that the appeal would have been avoided through earlier submission of evidence regarding highway safety. There is no suggestion that the time required to review the information during the appeal would have been greater than at the application stage.
4. The lack of earlier submission did require the Council to explain that it didn't have enough information to assess the risks to highway safety. This would not have been necessary had the information been submitted on time. However, in the absence of evidence to the contrary, I consider it unlikely that a significant amount of time and expense was incurred in making this statement.
5. I do not consider that the additional information evolves the case. It contributes to a full disclosure of the details and the arguments being put forward, as part of a complete statement of case for the purposes of the appeal.
6. In light of the above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. An award for costs is therefore not justified.

B Davies, INSPECTOR