



Costs Decision

Site Visit made on 5 July 2021

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

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

**Costs application in relation to Appeal Ref: APP/F1610/W/21/3272379
Site at former 'Grain Store and Storage Barns', Backs Lane, Ampney
Crucis, Gloucestershire, GL7 5TE**

- 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 appeal is made by Crucis Park Estate LLP for a full award of costs against Cotswold District Council.
 - The appeal was against the refusal of the demolition of agricultural buildings and the construction of three new dwellings.
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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. The applicant has highlighted what is described as conflicting advice received from its Landscape Officer and Conservation Officer. However, even if the Conservation Officer had recognised that the agricultural buildings had been removed from site and that the character of the lane had changed, I am not convinced this would have resulted in support from this consultee. Furthermore, it is for the Planning Officer to make the final recommendation and is not bound by consultee responses. There is no substantive evidence that the Planning Officer was not aware of the situation at the site at the time of determination.
4. The character of Backs Lane was changing, but it is not unreasonable for the Council to conclude that it still had a rural character which would be eroded by the proposed additional dwelling. Whilst I have come to a different conclusion, the Council provided sufficient explanation for their decision, made against planning policy. Furthermore, there is no clear inconsistency with other approvals along Backs Lane as there are differences in the proposals and therefore each case should be considered on its own merits.

5. 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.

Mr S Rennie

INSPECTOR