
Costs Decision

Site visit made on 23 November 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Costs application in relation to Appeal Ref: APP/C1625/D/21/3272449 Archway Cottage, Lower Kitesnest Lane, Whiteshill, Stroud GL6 6BL

- 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 Tim Jordan for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for installation of timber decking to south elevation of property.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process.
3. The applicant asserts that had the Council performed a site visit to assess the development, a different decision would have been made and the appeal would therefore have been avoided. The Council argues that the application was assessed by a planning officer familiar with the site who had the benefit of recent photographs of the development. It is understandable that the lack of a site visit raises doubts as to whether the Council's assessment was as thorough as necessary. Nevertheless, given the Council's assessing planning officer was familiar with the site and had access to recent photos, I am satisfied that the Council had sufficient information with which to assess the development. The matters of concern require an exercise of planning judgement and the perceived conflicts with the development plan are clearly set out in the Council's submissions. Overall, I have agreed with the Council that permission should be withheld. As such, I am not persuaded that the Council's behaviour has directly caused the applicant to incur unnecessary or wasted expense in the appeal process.

Conclusion

4. For the reasons above, an award for costs is therefore not justified.

S D Castle

INSPECTOR