



---

## Costs Decision

Site visit made on 7 March 2022

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

**an Inspector appointed by the Secretary of State**

**Decision date: 20 April 2022**

---

### **Costs application in relation to Appeal Ref: APP/P1615/W/21/3281058**

#### **Dresden House, Glasshouse Hill, Longhope, GL17 0NN**

- 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 & Mrs M Ellerby for an award of costs against Forest of Dean District Council.
  - The appeal was against the refusal planning permission for the erection of a two-bedroomed dwelling house (on the site of a former Cottage known as Eel Cottage) to be used as a self-catering unit for tourists together with the provision of two car parking spaces.
- 

### **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. It is evident from the details submitted that the original Case Officer recommended approval for the proposals. However, this was a recommendation which was not agreed with, which is the right of those who make the final decisions at the Council. This is the system the Council employs, and it is typical of many Councils when considering delegated applications. I note the comments from the Sustainability Team being positive when considering the visual impact of the proposed development, but these are consultee comments and it is for the decision maker to consider whether to agree or not with these comments.
4. It is understood that the second Case Officer did not visit the site. Whilst this is unfortunate, there is nothing in the Council submission which indicates that they did not understand the context of the site or the potential visual impacts of the proposed development. As such, this is not unreasonable behaviour given the resources available to the Case Officer.

5. The policies do not expressly state the need for a business plan for holiday cottage proposals, though there is the requirement with the supporting text to policy CSP.4 for justification for such development. As the site is within the countryside and outside any settlement then justification is reasonable. If not submitted then the Council could, for example, question the economic benefits that a tourism development in the countryside would have. There is no policy requirement that I am aware of that relates to whether tourism accommodation is temporary or permanent, though it is likely that there are differences associated with these types of tourism accommodation which are material considerations, such as the visual impacts.
6. In my view, none of the above issues are examples of unreasonable behaviour by the Council that led to an otherwise avoidable appeal. For the reasons set out above, 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