
Costs Decision

Site visit made on 3 May 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Costs application in relation to Appeal Ref: APP/P1615/W/22/3290194 Land at Lansdown Road, Bream, Lydney, Gloucester GL15 6NE

- 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 Mrs Joan Davis for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal to grant planning permission for the erection of a detached dwelling, amended access.
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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.
3. PPG provides examples of unreasonable behaviour by local planning authorities. These include 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. It also references making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. An objective analysis of the relevant matters is required. Nonetheless, given the nature of the main issue, such an assessment will inevitably involve an element of subjectivity based on the circumstances of the case. In this instance, the individual characteristics of the area and degree to which the set in of the splays within the carriageway is acceptable were part of that.
5. There was no objection from the Highways Development Management officer. However, a Council is not duty bound to follow the advice of its consultees. The Council put forward a case on planning grounds as to why the proposal was unacceptable. The evidence before me indicates a dialogue between the main parties, although this does not indicate a different recommendation had been made.
6. The weight afforded to relevant considerations, such as comments from a statutory consultee and the weight to give to guidance documents not part of the development plan, is a matter of judgement for the decision maker, whoever that is within the Council or at appeal. That there is disagreement

between those involved is not uncommon and does not imply unreasonableness.

7. The choice of what information to provide with an application or appeal is for the applicant/appellant. That specialists were used to address the reasons given by the Inspector for dismissing a previous appeal and to provide additional information does not indicate unreasonable behaviour on the part of the Council.
8. While I have not agreed with the Council, they have provided a sufficiently reasoned justification as to how they reached their decision and related their decision to relevant planning policies.
9. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case in a way that has put the applicant to unnecessary or wasted expense.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Stuart Willis

INSPECTOR