
Costs Decision

Site visit made on 29 November 2022

by A J Sutton BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/B1605/W/22/3305448

Glenfall Stables, Ham Road, Charlton Kings, Cheltenham GL52 6NH

- 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 and Mrs Doswell against the decision of Cheltenham Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing and erection of 2 no. replacement dwellings and 1 no. detached garage with workshop above, and all other associated operations.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) sets out that irrespective of the outcome of an appeal, costs may only be awarded where a party has behaved unreasonably, in either a procedural or substantive way, which has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. The applicants contend that the Council failed to pay full regard to the planning history of the site and did not acknowledge the existence of two houses on the site to date. They state that it also ignored all landscape expertise undertaken in support of the appeal proposal, and all technical and expertise advice from statutory consultees, and provides no qualification within its report for doing so.
5. The applicants also state that the refusal reason is predicated on in principle objections to either extending the building or adding outbuildings, but the Council fails to provide a coherent justification for this and/or reference to any development plan policies which support this approach.
6. They also assert that the Council initially recommended approval for a previous proposal but changed its mind with no explanation for why it did, wasting several months of the applicants' time and resources on amendments to plans and reports.

7. Finally, the applicants consider the decision reached on this proposal is inconsistent with neighbouring schemes recently approved and the Council fails to acknowledge this issue or provide an explanation.
8. However, the decision notice and the officer's report state that the proposal is for two replacement dwellings. The officer's report also details the site history and consultation responses to the proposal, including the response from the Architects Panel and the Cotswolds Conservation Board. The Council is not bound by this advice and the officer's report includes an assessment of the impact on the area's landscape, and this is supported with reference to relevant national and local planning policy. Moreover, the report clarifies that the Council does not object to the principle of development at the site, but that this proposal was unacceptable with regard to its effect on the Cotswolds Area of Outstanding Natural Beauty.
9. The Council went on to substantiate its reasons for refusal with reference to relevant local plan policies and the National Planning Policy Framework in the decision notice. I drew the same conclusions on this matter in the appeal decision. Furthermore, in reaching the appeal decision I found no evidence to demonstrate that the Council had been inconsistent in its decision making in respect to surrounding development proposals.
10. In respect to the previous proposal at the appeal site, the Council rebuts the applicants' assertions on this matter. The officer although expressing support, following consultation with senior colleagues, promptly contacted the appellants to inform them that initial concerns about that proposal had not been addressed. These concerns have also not been addressed in the revised proposal that was subject of this appeal. In any event, the Council is not bound by an officer's indication of approval during the application process. For these reasons, the evidence before me does not lead me to question the Council's position on this matter or its approach during the respective application processes.
11. In light of the above I observe nothing in the information submitted with the appeal which would suggest that the Council has behaved unreasonably in either a procedural or substantive way which has resulted in wasted expense being incurred by the applicants during the appeal process.

Conclusion

12. I therefore conclude, having considered all submitted evidence and for the reasons outlined above, an award of costs is not justified in this case.

A J Sutton

INSPECTOR