



Costs Decision

Site visit made on 10 January 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2023

Costs application in relation to Appeal Ref: APP/P1615/W/22/3306646 8 St. John Street, Coleford GL16 8AR

- 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 Anthony Jones for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for a development described as "conversion of existing ground floor shop to a one-bed holiday let, with retention of storage and office space associated town centre retail use and/or maintenance of holiday let".
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Decision

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

Reasons

2. 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 expense in the appeal process. The applicant states that the Council behaved unreasonably in that they failed to fully substantiate their reason for refusal; misinterpreted policy; gave full weight to policies which were out of date due to changes in circumstance and legislation; and did not carry out a proper planning balance.
3. The reason for refusal set out in the decision notice is sufficiently complete, precise, specific, and relevant to the application and clearly states the policies that the Council consider the proposal would conflict with. The decision made by planning committee was contrary to that recommended in the officer report, which a Council is entitled to do and is not, in and of itself, grounds for costs to be awarded. I have been presented with no substantive evidence which would lead me to conclude that an appropriate discussion of all issues and material considerations did not take place and inform the committee decision. The reason for refusal is adequately substantiated and justified by the Council in its appeal statement of case, which also includes consideration of matters weighing in favour of the proposal.
4. The application decision is one which is a matter of judgement. It can be seen from my appeal decision that I agreed with the Council that the proposal would be contrary to policy and would result in harm to the vitality of the town centre, so there were sufficient grounds for refusing planning permission. My appeal decision also sets out that I did not consider key policies to be out of date or misinterpreted in their application.

5. Overall, I am satisfied that the Council has shown that it undertook an appropriate assessment of the application, adequately substantiated the reason for refusal in accordance with relevant policy and undertook a suitable planning balance. For the reasons given, I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. An award of costs is therefore not justified.

Helen Davies

INSPECTOR