



Costs Decision

Site visit made on 28 March 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Costs application in relation to Appeal Ref: APP/C1625/W/22/3303507 Land at Box Road, Cam, Grid Ref 375253, 202039

- 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 Bathurst Ltd for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of an application for the construction of roundabout and part of service road to provide access to Phase E1 (employment) of the development permitted under outline planning permission ref S.15/2804/OUT.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The applicant considers that the Council delayed the appeal development which should clearly be permitted having regard to its accordance with the development plan and any other material consideration.
4. However, the development of housing on land opposite¹ (the Hallam site), which has approval for a different access arrangement to the appeal scheme, has been highlighted as a material consideration. Given these material differences, and notwithstanding my assessment of the matter, the Council was not unreasonable to highlight this matter as an issue as access relating to the consented scheme would not be aligned with the arrangements at the appeal site.
5. The access relating to the Hallam site could be built out therefore the Council have exercised caution in this instance until a coordinated access design is submitted for their consideration. Although I have come to a different finding, the Council were not unreasonable in adopting this approach as the development of land for housing could be affected.
6. The applicant believes that the Council failed to produce evidence to substantiate each reason for refusal.

¹ Local Planning Authority Approval Ref. S.18/2697/OUT, dated 16 June 2022.

7. Prior to issuing its decision the Council's highway advisers indicated that the applicant must show how the proposed compact roundabout complied with Local Transport Note 1/20. Similarly, the officer's report highlights that the proposal has not shown how it complied with that guidance. It is for the applicant to prove compliance in this regard, and during the appeal, further evidence of vehicle movements was provided to inform whether a compact roundabout would be suitable. The Council did not have that information at the time of their determination; therefore, it was not unreasonable in issuing its first reason for refusal. Moreover, reaching a decision based on a lack of evidence is not unreasonable.
8. Furthermore, in refusing the scheme on grounds of lack of cycle provision the Council indicated that this would not accord with the development plan policies that promote transport choice and accessibility.
9. In respect of the second refusal reason, the Council, in its officer's report and communications with the applicant, clearly highlighted that there were two different access arrangements which could prevent development coming forward. It also referred to the specific policy conflict in the development plan, where schemes should not prejudice others.
10. Regarding the claim that the Council refused to provide reasonably requested information, I have limited information on the requests made by the applicant and why certain information relating to the Hallam site was missing from the Council's website. Accordingly, I am unable to determine whether the Council behaved unreasonably and thereby caused the applicant to incur unnecessary or wasted expense in the appeal process.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

RE Jones

INSPECTOR