

Costs Decision

Site visit made on 7 March 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Costs application in relation to Appeal Ref: APP/C1625/D/22/3311113 The Manse, Alkerton, Eastington, Stonehouse, Gloucestershire GL10 3AA

- 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 Samuel Dauncey for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for a garage with home office and driveway extension.
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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 reasons given in the Council's decision notice were brief. However, whilst I note the reference to section 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 (as amended), which provides that, amongst other things, where planning permission is refused, the notice must state clearly and precisely the Local Planning Authority's full reasons for the refusal, in practice such brevity is not uncommon in decision notices, which merely provide a summary of the Council's conclusions.
4. More importantly, the second sentence of the Council's reasons for refusal, which relates to nearby public rights of way, must be read in the context of the preceding sentence, which provides a succinct and cogent summary of the Council's concerns regarding the proposal. In this regard, my reading of the Council's decision notice is that, having already established that the proposal would appear as an incongruous and competitive addition, the Council considered that these harmful visual effects would also be apparent to users of the nearby public rights of way.
5. Hence, reading the Council's decision notice as a whole, I find that the Council did not make vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. As such, Council's behaviour was not unreasonable in relation to the grounds raised by the applicant.
6. Moreover, as explained in detail in my appeal decision, the Council were correct to refuse planning permission for the proposal partly on the basis of its effect

on the character and appearance of the surrounding area. As this matter necessarily required a response from the applicant at appeal stage, the expense incurred in terms of instructing a planning consultant to undertake a site visit to understand the context and prepare and submit an appeal statement has not been unnecessary or wasted.

Conclusion

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Alexander O'Doherty

INSPECTOR