



Costs Decision

Site visit made on 21 June 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Costs application in relation to APP/P1615/W/21/3287436

Land at Park Hill, Woolaston, Gloucester GL15 6PX

- 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 Forest of Dean District Council for a full award of costs against Miss Josie Summers.
 - The appeal was against the refusal to planning permission for siting of a temporary rural workers dwelling for three years, treatment plant, stables and hay barn, use of an existing access.
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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 application for an award of costs was made on procedural grounds. These were principally concerned with the appellant's failure to attend the hearing in person, their lack of engagement with preparing a statement of common ground, the provision of inaccurate information within the financial evidence and the failure to support this with any evidence at the hearing.
4. It is unfortunate that the appellant was not able to attend the hearing in person as she would have been best placed to explain the proposal and respond to any queries on the financial information. However, there is no obligation for an appellant to be present at a hearing and I was told that Miss Summers was working on the Isle of Wight and therefore unavailable. She nominated her father as agent, and whilst he was not able to answer every question, he did his best to present the case for his daughter. Mr Summers explained that the cost of employing a consultant would have been prohibitive and I accept this. The hearing procedure had been determined by the Planning Inspectorate (the main parties requested written representations) and therefore it would be unfair to penalise a party for not being professionally represented.
5. The failure to cooperate to produce a timely statement of common ground would normally constitute unreasonable behaviour. However, Mr Summers suggested that he had posted a document to the Council in relation to this and provided proof of postage. I have no means of knowing what was sent, as the

Council was unable to confirm receipt. Nevertheless, I am not convinced that there was a deliberate attempt to frustrate the process. Any failings in the handling of the appeal from the appellant's side were a factor of Mr Phillips' inexperience in dealing with planning matters. The PPG explains that the costs regime seeks to encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case. However, it is not intended to discriminate against "do-it-yourself" appellants or those who are unable to afford professional representation.

6. The behaviours highlighted by the Council, in the context of this particular case, should not be deemed unreasonable. Even if I were to take the opposite view, it is difficult to see how the Council would have been put to unnecessary or wasted expense in the appeal process. Although I have dismissed the appeal, the appellant was able to present a cogent argument, supported by relevant evidence, for granting permission. Therefore, it seems to me that the appeal could not have been avoided in its entirety.
7. During the hearing it came to light that there may be protected species on the appellant's land. The Council describes this as fresh and substantial evidence. Whilst it was new information, and therefore a material consideration, it did not necessitate an adjournment or any additional work, apart from a few minutes of hearing time. In terms of cost to the Council, this was minimal.
8. Having regard to the circumstances of this case, I am minded to conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated and an award of costs is not justified.

Robert Parker

INSPECTOR