



Costs Decision

Site visit made on 25 July and 7 August 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Costs application in relation to Appeal Ref: APP/C1625/W/23/3318161 Land to the Rear of Queens Court, Brimscombe, Gloucestershire GL5 2TN

- 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 Ruislip Manor Property Ltd for a full award of costs against Stroud District Council.
- The appeal was against the refusal of planning permission for erection of 4 dwellings.

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 PPG¹ advises that Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter. This includes making vague, generalised or inaccurate assertions about the impact of the proposal, unsupported by any objective analysis.
4. The planning application was refused by the Council's Planning Committee meeting, against the recommendation of its planning officers. The reason for refusal was formulated by its officers after the meeting and the applicant considers that it does not reflect the reasoning of the committee, which related more to the perceived loss of the site as space for the community. Nevertheless, the Council's Committee Meeting minutes refer to councillors debating a reason for refusal that was based on the Development Plan policies contained in the issued Decision Notice.
5. The applicant has understandably chosen to respond to the concerns of residents and councillors about the loss of the site to the community. However, the fact remains that the Council's Decision Notice refers to the effect of the proposal on views into and out of the Cotswold Area of Outstanding Natural Beauty (AONB). As such, it was always going to be necessary for the applicant to have to respond to this issue as part of the appeal.
6. As part of the application documentation, the appellant provided a Landscape and Visual Impact Assessment (LVIA), which the Council has not disputed. Nevertheless, along with the representations of other parties, the Council has provided sufficient evidence in its Statement of Case to justify its concerns. As

¹ Paragraph: 049 Reference ID: 16-049-20140306

I make clear in the main decision letter, based on the evidence before me, these are concerns which I share. As such, I consider that the Council has provided sufficient evidence to justify its case.

7. For these reasons, I conclude that unreasonable behaviour by the Council, resulting in unnecessary or wasted expense for the applicant, has not occurred. Therefore, an award of costs is not warranted.

O Marigold

INSPECTOR