



Costs Decision

Site visit made on 9 January 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Costs application in relation to Appeal Ref: APP/U1620/W/23/3328172 The Villa, Winnycroft Lane, Sneedhams Green, Gloucester, Gloucestershire GL4 6EG

- 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 Almanzo Jenner for a full award of costs against Gloucester City Council.
 - The appeal was against the refusal of planning permission for a development described as 'permission in principle for residential development of up to 2 dwellings and associated vehicular access'.
-

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 states that the appeal was unnecessary as the proposal complies with the development plan and there were other considerations that the Council failed to take account of when reaching its decision.
4. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also, apart from one typo relating to policy SP2, clearly states the policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) that the proposal would be in conflict. The reasons have been adequately substantiated by the Council in its Officer Report. The Officer Report demonstrates how the proposal would result in an unsustainable form of development and harm to the character and appearance of the area.
5. Since the Council made their decision an application for a residential development to the south of the appeal site was approved by their Committee which has materially altered the considerations relating to this appeal. However, this was not before the Council when they made their decision. Taking away the recent housing development to the south of the appeal site, the proposal would appear as being an extension of built development and not infilling and could impact on the rural character of the area. The Council clearly articulated why they considered the proposed development to be in an unsuitable location and harmful to the character and appearance of the area.

6. Whilst the applicant sought some clarification on the Council's position in relation to the change in circumstances prior to submitting the appeal I am mindful that the PPG states that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application.
7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A claim for costs is not therefore justified and accordingly it is refused.

Tamsin Law

INSPECTOR