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## Costs Decision

Site visit made on 5 January 2024

**by Lewis Conde BSc, MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 February 2024**

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### **Costs application in relation to Appeal Ref: APP/P1615/W/23/3324477 Land off Foley Rise, Hartpury, Gloucestershire GL19 3DW**

- 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 Core Strategic Land Ltd for a full award of costs against Forest of Dean District Council.
  - The appeal was against the refusal of planning permission for the erection of up to 17 dwellings and associated works.
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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 PPG also indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
4. The application essentially relies on the fact that the Council went against the advice of its professional officers and failed to provide adequate reasons for refusing planning permission.
5. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. From the evidence before me, the elected Members applied a planning judgement. The judgement was made following the receipt of the Council Officer's report and a site visit, as well as the opportunity to raise appropriate queries with Council Officers during the committee meeting. It also took account of the statements made by speakers at the committee meeting, including one of a professional landscape background that objected to the scheme on landscape grounds. Meanwhile the Council's reasons for refusal as set out in the decision notice are complete, precise, specific, and relevant to the application.
7. It will be seen from my decision that I concur with Council Members that the proposal would cause harm to the character and appearance of the area. As such, I consider that there were sufficient grounds for refusing planning

permission. I am therefore satisfied that the Council has shown that it was able to substantiate its reason for refusal.

8. The appellant has also raised concerns about bias and pre-judgement shown against the scheme from elected Members of the planning committee, however, there is no suitably robust evidence before me to support this view.
9. Therefore, I find unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

*Lewis Condé*

INSPECTOR