



Costs Decision

Site visit made on 16 April 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2024

Costs application in relation to Appeal Ref: APP/P1615/W/23/3333618 Land adjacent to 6 Bowens Hill Road, Coleford, Gloucestershire GL16 8DU

- 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 A Cole (Coleford Properties Ltd).
 - The appeal was against the refusal of planning permission for a development described on the planning application form as, "Proposed detached dwelling, associated parking and landscaping".
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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 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. This application for costs is made on the basis that the appellant acted unreasonably in bringing an appeal which the Council says is a duplication of a previously refused scheme that was dismissed at appeal which had little-to-no prospect of success.
4. The proposed development considered in the associated appeal decision is similar to that considered in appeal decision Ref APP/P1615/W/22/3292365. However, it is not identical. Firstly, the appeal scheme has been put forward with a car port instead of a garage. Secondly, since appeal decision Ref APP/P1615/W/22/3292365 was issued, the low stone wall on the north-western side of 8 Bowens Hill Road (No 8) has been demolished and a gravelled area adjacent to No 8 has occasionally been used for parking. Thirdly, the appellant submitted new evidence in the form of parking surveys.
5. Given these differences, and noting that following the Inspector's findings in appeal decision Ref APP/P1615/W/22/3292365 it was reasonable for the appellant to presume that the only remaining concern with the type of scheme put forward was in relation to off-street parking provision, it was not a foregone conclusion that the planning application and the appeal had little-to-no prospect of success. As such, the right of appeal has been exercised in a reasonable manner.
6. Thus, the appellant did not behave unreasonably with respect to the substance of the matters under appeal.

7. Additionally, although the appellant's application for an award of costs in relation to this appeal was refused, considering the differences between the appeal scheme and that considered by the Inspector in appeal decision Ref APP/P1615/W/22/3292365 cited above, the appellant was entitled to make that application for costs. As such, this matter does not alter my findings above.

Conclusion

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

Alexander O'Doherty

INSPECTOR