

## Costs Decision

Site visit made on 29 August 2024

**by G Powys Jones MSc FRTPI**

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

**Decision date: 20 September 2024**

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### **Costs application in relation to Appeal Ref: APP/P1615/W/24/3341783 Horseshoe Inn House, Brooms Green, Dymock, GL18 2DP**

- 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 John Christopher Tweedale for a partial award of costs against the Forest of Dean District Council.
  - The appeal was made against the Council's refusal to grant planning permission for the change of use of bed and breakfast accommodation to residential use ancillary to main dwelling.
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### **Decision**

1. The application for a partial award of costs is refused.

### **Reasons**

2. The *Planning Practice Guidance* (the Guidance) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The basis for the Appellant's costs application is set out in writing. In summary, the appellant seeks an award to cover the costs of work carried out concerning that part of the refusal regarding the LPA's allegation that the proposal would involve the loss of a Community Facility and thus conflict with Policy CSP 8 of the Core Strategy.
4. In this regard the appellant says that the officer report's assertion that the B&B was a community facility was based on an assumption. Furthermore, the appellant says that in 2009 when the B&B planning permission was granted the officer report suggested that the use was compliant with policy at the time.
5. However, it is clear from the documentary records in respect of both the 2005 enforcement appeal and the 2009 permission, the loss of the public house as a local community facility caused significant local interest<sup>1</sup>.
6. Judging from what I have read, the B&B facility was promoted in 2009 partly on the basis that it substituted for the loss of the public house as a community facility. To this extent, I can understand why the Council thought itself justified in treating the B&B as a community facility. Moreover, different planning

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<sup>1</sup> In this regard the enforcement public inquiry sat for 3 days and was well attended.

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practitioners often interpret<sup>2</sup> policies differently, and the Council could not justifiably be criticised for taking a different view to the appellant's agent. In my view, the Council defended its stance robustly with credible evidence.

7. Accordingly, whilst I found against the Council on this aspect in the context of the application of modern development plan policy, looking at the wider picture, I do not consider that it acted unreasonably in the terms of the Guidance.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Accordingly, the application for a partial award of costs is refused.

*G Powys Jones*

INSPECTOR

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<sup>2</sup> Always bearing in mind that the interpretation of policy is ultimately a matter for the courts.

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