



Costs Decision

Site visit made on 8 October 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Costs application in relation to Appeal Ref: APP/P1615/W/24/3344714 Land West Of Chapel Pitch, Ketford, Dymock, Gloucestershire GL18 2BL

- 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 Mrs Rebecca Preece for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for change of use of land and siting of 1 no short-term holiday cabin.
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Decision

1. The application for an award of costs is refused.

Preliminary Matter

2. The costs application does not state whether a full or partial award of costs is being sought. I have treated the application as seeking a full award although I am conscious that a partial award may also be granted.

Reasons

3. 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. This application claims unreasonable behaviour by the Council in terms of (i) refusing planning permission contrary to the views of its officers, and (ii) introducing additional matters through the appeal process that were not raised previously.
4. The Council's decision was made by its Development Management Committee (the Committee) contrary to its officers' recommendation to grant planning permission. The Committee is not duty bound to follow officers' advice but it has to clearly demonstrate on planning grounds why a proposal would be unacceptable.
5. The Council's refusal reasons are succinct but clearly outline the concern that the appeal development would be detrimental to the character of the area and appearance of the landscape. The refusal reason also refers to relevant development plan policies. Moreover, the Council's appeal statement clarifies and explains in further detail its objections. The issue as to whether the development would be harmful to the character and appearance of the area is a matter of planning judgment and the Committee is entitled to arrive at a different view to the Council's officers. Indeed, my appeal decision explains why I agree with the Committee on this matter. It follows that the Council has not acted unreasonably by failing to follow its officers' recommendation.

6. This costs application raises concern that neither the report to the Committee nor the minutes of the Committee meeting refer to limited social and economic benefits of the appeal development as claimed at paragraph 4.3 of the Council's appeal statement. However, the officers' report states that in favour of the development is its contribution to the Forest of Dean's economy. It is not unreasonable for the Council to confirm through its appeal submissions the weight it considers should be attributed to any such benefits, even if this has not been stated previously.
7. The application also raises concern that at paragraph 4.4 of the Council's appeal statement there are claims that the proposal would urbanise the site, although this is not stated within the refusal reason. However, this statement is seeking to explain in more detail the Council's concerns over the development's effect on the natural character and appearance of the landscape as set out in its refusal reasons. It is not an additional objection or new matter that was not raised before the appeal was lodged. Therefore, it is reasonable for the Council to include such comments in its appeal submissions.
8. The application claims that the Council's appeal statement is seeking to mislead me as decision maker for the appeal. However, the appellant has had the opportunity through the appeal process to raise such concerns and respond to the Council's submissions. In any event, I do not consider the Council's comments to be misleading as they are simply a clarification and explanation of its objections.
9. For the above reasons, I find no unreasonable behaviour by the Council that has led to the applicant incurring unnecessary or wasted expense in the appeal process. Therefore, I conclude an award of costs is not justified.

Jonathan Edwards

INSPECTOR