



Costs Decision

Site visit made on 30 July 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2024

**Costs application in relation to Appeal Ref: APP/C1625/W/23/3333115
Maidenhill House, Horsemarling Lane, Standish, Stonehouse,
Gloucestershire GL10 3BZ**

- 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 G Winchle for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for change of use from a domestic dwelling to sui generis holiday let.
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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 applicant contends that the Council's planning case officer gave the impression that the refused application would be determined positively. However, it was then communicated to the applicant that the application was to be refused. The Council confirm that this change in stance arose after the proposal was discussed by its delegated panel. It is not unreasonable in principle for a Council to discuss an application in an internal group meeting and arrive at a different conclusion to the original consideration of an individual. Particularly if that change in stance was communicated to the applicant prior to issuing the decision notice.
4. With regard to the distances from the nearest settlement quoted by the Council, the applicant draws my attention to the Council's report stating that the site is 1.3km from the settlement when it was stated as 400 metres in a report for a previous planning application at the site. However, the extract of the report for the previous application that has been provided by the applicant confirms that the site is 400 metres from the nearest settlement "as the crow flies" but that it is 1.17km by road. The Council's stated figure of 1.3km is not significantly different from their previously stated figure of 1.17km. As such, the Council has not behaved unreasonably in this respect.
5. It is asserted by the applicant that they submitted a sequential assessment at the behest of the Council and the planning officer agreed it was acceptable. The Council consider that it was a basic assessment that did not contain the necessary level of *demonstrable evidenced justification*. It would seem that further discussions took place within the Council, and it was later considered

that there was insufficient information contained within the assessment to satisfy the development plan criteria. Whilst it is unfortunate that the planning officer initially confirmed that the sequential assessment was acceptable, as explained earlier, it is not unreasonable in principle for the Council to alter its position following more in-depth internal discussions. Particularly as the Council has subsequently supported their case robustly.

6. Turning to the matter of the Council's reason for refusal relating to the effect on the living conditions of the existing occupiers of a separate dwelling at Maidenhill House, the applicant refers to previous appeal decisions where the respective Inspectors did not see an issue with two properties co-existing. Although I have not been provided with the individual reference numbers for those appeals, the Council would have been aware of those appeal decisions and the PPG refers to the importance of determining similar proposals consistently and the appeal decisions where living conditions were not seen as an issue would have been material to the Council's determination of the application. Furthermore, the Council did not sufficiently evidence that the proposed use would have a more harmful effect on the living conditions of the occupiers of the neighbouring Coach House than the existing residential dwelling at Maidenhill House.
7. As such, the Council has behaved unreasonably in this respect. However, given that there were other reasons for refusal, the appellant would still need to submit an appeal to challenge the Council's decision and they have not prepared extensive rebuttal evidence, carried out further technical assessments or incurred other similar expenses as part of the appeal. The unreasonable behaviour has therefore not resulted in unnecessary or wasted expense.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Reeves

INSPECTOR