



Costs Decision

Site visit made on 11 November 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Costs application in relation to Appeal Ref: APP/G1630/W/24/3340723 Land to the north-west of A48, Minsterworth Village

- 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 BTM Developments Ltd for a full award of costs against Tewkesbury Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 7 dwellings and associated access, external works 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 (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 assessment of issues such as the effect of the character and appearance of the area involve an element of subjectivity. While the number of units was considered at the permission in principle stage, this is not the only consideration as to the effect of a scheme on the character and appearance of the area. Factors such as the layout, design, scale and form of the development was not agreed at the earlier stage. Therefore, the Council were not unreasonable in assessing the additional details provided at this stage.
4. The Council set out their concerns with a clear indication of details they sought clarification on or had concerns with on all the refusal reasons, including relating these back to areas identified by consultees. The Council linked these concerns to relevant development plan policies and national policies. That the main parties disagree on certain matters does not indicate unreasonableness.
5. I have found that some of these issues could have been addressed by condition given the level of detail already provided. While I have disagreed with the Council on several of the main issues, this does not mean they were necessarily unreasonable.
6. I have dismissed the appeal and therefore the Council have not been unreasonable in refusing permission and have not prevented or delayed development that should have been granted.
7. Although not to the degree that the applicant wished, there was some dialogue between the parties. There is no clear evidence to suggest that had there been

further discussions that the Council would have withdrawn any reasons for refusal or avoided the need for the appeal.

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

Stuart Willis

INSPECTOR