



Costs Decision

Site visit made on 20 November 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Costs application in relation to Appeal Ref: APP/F1610/W/24/3344528 Perryfield, Wyck Lane, Lower Slaughter, Cheltenham GL54 2EX

- 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 and Mrs DG and RJ Hedges for a full award of costs against Cotswold District Council.
 - The appeal was against the refusal of planning permission for conversion of existing barn to form 1no. dwelling.
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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. This application claims unreasonable behaviour from the Council in terms of (i) preventing development which should clearly have been permitted as it is in accordance with local and national planning policy, (ii) failing to produce evidence to substantiate each reason for refusal, (iii) making vague, generalised or inaccurate assertions about the impact of the proposed development, and (iv) not determining similar cases in a consistent manner.
3. My appeal decision explains the reasons why I consider the proposed development would be unacceptable. It follows from this decision that the Council has not prevented development that clearly should have been permitted.
4. The Council's refusal reasons and appeal submissions explain why it considers planning permission should not be granted. As such the Council has submitted evidence to substantiate its concerns.
5. The Council withdrew its objections over the safety and suitability of access to the development at the appeal stage. However, this change in view was prompted by additional information within the appellants' Transport Statement dated May 2024, which was not before the Council when it determined the planning application leading to the appeal. The further information on actual traffic speeds on Wyck Lane and the level of trips likely to be generated by the proposal indicate that insufficient information was submitted with the planning application. In such circumstances, the Council's failure to submit evidence to substantiate its initial concerns over the access is understandable.

6. The Council's refusal reason in relation to the countryside location of the proposal does not refer to development plan policies but instead it relies upon the provisions of the National Planning Policy Framework (the Framework). The Council has not been unreasonable in making such a case as the weight to be attributed to the Framework is a matter of planning judgment.
7. The refusal reasons and further explanations provided within the Council's appeal submissions set out quite specific concerns over the proposal. I have not agreed with all of the objections raised but they are not vague or obviously incorrect assertions about the development.
8. Only limited information has been provided on other schemes for the re-use of rural buildings that the appellants say have been permitted by the Council. As such, I am unable to conclude that the Council's contentions on the proposed development is inconsistent with its previous decisions.
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