



Costs Decision

Site visit made on 26 November 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Costs application in relation to Appeal Ref: APP/C1625/Y/24/3340151 Brookthorpe Court Farmhouse, Stroud Road, Brookthorpe with Whaddon, Gloucestershire GL4 0UJ

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A and Mrs A Munarriz for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of listed building consent for proposed works described as Demolition part conservatory; reconstruction as dayroom, internal alterations.
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Decision

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

Preliminary Matter

2. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this application have remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.

Reasons

3. I have taken into account the Government's Planning Practice Guidance (PPG) in reaching my decision.
4. Parties in planning appeals normally meet their own expenses. However, the 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.
5. The applicants refer to the Council's decision citing insufficient information having been provided both in relation to the effects on biodiversity and the listed building (LB). Reference is also made to the Council's officer report which refers to amendments to the scheme and requests for the further information required by Historic England (HE) not having been forthcoming; and that therefore there were unacceptable elements, namely the demolition of the chimney, that could not be supported by officers; as well as insufficient information to assess the application in order for it to meet the requirements of paragraph 207 of the Framework.
6. In respect of the above, the applicants claim that those comments in the officer's report are completely incorrect in that amended drawings were submitted together with a revised assessment on 21 December 2023, prior to

the decision; and that additional information provided was ignored by the Council. It is claimed that more than adequate information was provided to support the application.

7. Whilst I have found in my appeal decision that the proposed works would not have a harmful effect in respect of biodiversity, in particular relating to European protected species comprising bats, that was informed by the findings of the latest Bat Assessment submitted during the appeal process.
8. The Preliminary Roost Assessment (PRA) undertaken prior to the Council's decision found that the conservatory has negligible value for roosting bats, thereby not recommending the need for a pre-development survey for that element of the proposals. However, in relation to works affecting the Utility building, despite that building having low value for roosting bats, the PRA found that to be on the basis of it being unlikely to provide habitat for large numbers of individuals. As it found that the proposals could result in destruction of any bat roosts present and cause disturbance, death or injury to bats, the recommendation was for a bat emergence survey to be undertaken.
9. The Council, on the advice of its biodiversity officer, and in considering the application on its own merits, therefore reasonably sought that further survey work to be undertaken in order to inform its decision.
10. The submissions include reference to another application relating to a listed building at 14 Long Street where an informative was added relating to bats rather than requiring up front survey work. However, notwithstanding the Council highlighting that the application concerned was determined on its own merits, I also do not have any substantive evidence to indicate that the same circumstances applied in respect of the likely effects of the works on bats.
11. In respect of the effect on the LB, the Council acknowledges that additional information had been submitted prior to making its decision, albeit not making this clear in its officer report. However, it is also apparent that the drawings submitted showed discrepancies between them, including in relation to showing the chimney intended to be retained. Furthermore, as I have also found in my appeal decision, there is no elevation drawing relating to one side of the proposed extension, albeit this is not specifically referred to by the Council.
12. The applicants also claim that HE's comments did not make it clear that the proposal would cause harm to the historic interest of the building. However, notwithstanding my findings in the appeal decision, HE, whilst finding that if executed well the impact on significance is likely to be modest, does not say there would be an absence of harm.
13. Notwithstanding my findings in the appeal decision relating to the retained chimney, it was therefore reasonable for the Council to consider insufficient information to have been submitted, with there being no substantive evidence of it ignoring what had been provided.
14. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Dawe

INSPECTOR