



Costs Decision

Site visit made on 3 January 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Costs application in relation to Appeal Ref: APP/P1615/W/24/3348029 Forest and Wye Valley Caravan and Campsite, Bearse Common, St Briavels, Lydney GL15 6QU

- 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 Jason Smith of Tremlo Limited for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of the Council to grant planning permission for change of use of land to tourism and for the siting of 41 holiday (caravan) lodges in lieu of 60 touring caravan and glamping pitches and the demolition of all existing facilities buildings with environmental improvements throughout.
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Decision

1. 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 PPG¹ advises that Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter. This includes failing to produce evidence to substantiate the reason for refusal on appeal. It also includes making vague, generalised or inaccurate assertions about the impact of the proposal, unsupported by any objective analysis.
4. The appeal application was recommended for approval by the District Council's planning officers. However, its elected members resolved to refuse permission because of the effect of the proposal on the Wye Valley National Landscape. Planning decisions must be based on evidence. However, assessment of the impact on the character and appearance of the area requires professional judgement. In recommending approval, the Council's Planning Officers acknowledged that the decision was finely balanced.
5. The Council has provided substantive evidence to support its position. This included its Statement of Case and the detailed analysis by the Wye Valley National Landscape Team. Although this evidence is disputed by the applicant, the Council has provided a respectable case for its stance and one with which I have ultimately agreed. As such, this case is different to the Gwynedd costs decision², where that Council's evidence was based largely on a single photograph.

¹ Paragraph: 049 Reference ID: 16-049-20140306

² Planning and Environment Decisions Wales reference number CAS-02987-Z7K0Z5

6. For these reasons, I conclude that unreasonable behaviour by the Council, resulting in unnecessary or wasted expense for the applicant, has not occurred. Therefore, an award of costs is not warranted.

O Marigold

INSPECTOR