



Costs Decision

Hearing held on 14 January 2025

Site visit made on 14 January 2025

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Costs application in relation to Appeal Ref: APP/F1610/W/24/3350069

Stanmore House, Road from Spratsgate Lane to west of The Byre, Ewen, Gloucestershire, GL7 6BU

- 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 JVAT Developments Ltd. for a full award of costs against Cotswold District Council.
 - The appeal was against the refusal of planning permission for the erection of three dwellings, associated parking area, access and landscaping.
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Decision

1. The application for 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 considers that the Council has acted unreasonably and is applying for a substantive award of costs.
4. Concern is raised about how the Council described the character and appearance of Ewen and the effect that the proposal would have on this. The Officer report is comprehensive, describing the character and appearance of the appeal site and the contribution that it makes to the settlement pattern, the Kemble and Ewen Special Landscape Area and its relationship to the listed building at Mill Farmhouse and the complex at Mill Farm. I see no reason why the Council's description of the southern side of the road is incorrect nor the context within which the appeal site is located. I do not share the applicant's view that inaccurate assertions were made which influenced the Council's decision.
5. The Council's Landscape Officer's opinion was clearly reported in the Officer report acknowledging that some of the views of the appeal site are filtered by the roadside hedgerow. I note the concern raised in this regard; however, the Council's role is to assess the proposal as submitted rather than undertake a separate landscape and visual impact assessment. Concern was also expressed that the Landscape Officer was not present at the Hearing, however there is no requirement for this. The written and oral evidence provided substantiated the Council's concerns.

6. The Council's Conservation Officer's comments are also criticised but reaching a different view on the effect of the proposal on the significance of the designated heritage asset to the applicant does not demonstrate unreasonable behaviour. The comments provided are detailed and appear to be consistent with advice given in respect of earlier applications on the appeal site. The advice on this appeal proposal is unlikely to have come as a surprise to the applicant.
7. Given the above I do not share the applicant's view that the Council inaccurately assessed the impact of the proposal. It has provided evidence to substantiate each of its concerns. It also acknowledged that additional information, submitted by the applicant after the application was determined addressed its concerns in respect of bats and the Special Area of Conservation. To my mind the Council has not acted unreasonably in respect of these matters.
8. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense as set in the PPG has not been demonstrated. For this reason and having regard to all other matters raised, an award of costs is therefore not justified.

RC Kirby

INSPECTOR