



Costs Decision

Site visit made on 21 January 2025

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Costs application in relation to Appeal Ref: APP/C1625/W/24/3347823 Grange Cottage, Upper Barton End Lane, Horsley, Gloucestershire GL6 0QF

- 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 & Mrs Charlie Mayne for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for a replacement dwelling including associated amenity space, landscaping, access and parking, following demolition of existing dwelling and existing single storey detached garage.
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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 appellant's claim for costs relies on the basis that the Council changed their position from advice given during pre-application, the application was not considered in accordance with similar cases, the application of Policy was not consistent and the Council did not consider information submitted to them.
4. The appellant submitted pre-application advice to the Council prior to the submission of the planning application. The response from the Council suggested that in light of the fallback position that it would be difficult to refuse a replacement dwelling on the site.
5. Pre-application advice is not binding to the Council and it is clear that the Council did not have the same detailed information that was submitted with the planning application. The Council took a view based on the information before them at each stage and I do not find them unreasonable to have done so.
6. I note the costs decision¹ referred to and while I have been provided very little details in regard to this particular scheme it appears that the change in position was due to a change in highway officer which is different to the application for costs before me.

¹ APP/P0240/W/18/3210480

7. I note that a number of examples of developments were provided to the Council with the planning application. However, each case should be determined on its own merits which the Council have done. In regard to the application of Policies, while I have found differently to the Council, they were not unreasonable to reach a different view based on the circumstances.
8. In regard to the Council not considering information that was submitted to them, this relates to information submitted in relation to Great Crested Newts. While the appellant submitted information to address concerns raised by the Council, instead of allowing extra time to consult they continued to refuse the planning application.
9. I note that this is frustrating for the appellant, however, it is clear that the Council had reasons for refusal that would not have been overcome by allowing additional time to consult or submit further information. It is at the Council's discretion to allow further time to submit information and based on the other reasons, I consider that they were not unreasonable to make their decision, and it has not resulted in any unnecessary expense.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Wilson

INSPECTOR