
Costs Decision

Site visit made on 20 February 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2025

Costs application in relation to Appeal Ref: APP/G1630/W/24/3355946 Land Rear Of Mount View, Ash Lane, Down Hatherley, Gloucestershire GL2 9PS

- 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 Newcroft Homes Ltd for a full award of costs against Tewkesbury Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for 6No. dwellings.
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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 PPG sets out that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.
4. The Council withdrew their objection on the grounds of drainage in the appeal process. This was on the basis of additional information provided by the applicant at the request of the Council.
5. Similarly, additional information was provided relating to ecology matters, specifically greater crested newts, at the request of the Council. This is because, in both cases, insufficient information was originally submitted, indeed, the district license was submitted at appeal stage.
6. The additional information submitted was necessary to make the applicants case. All information submitted at appeal stage was considered and addressed by the Council and their technical consultees, and therefore the Councils case was not vague nor unsupported. The Council substantiated the reasons for requesting additional information. This information was sufficient for the Council to withdraw their concerns regarding drainage.
7. The Council highlighted concerns with GCN and whether sufficient information was provided at outline stage. Whilst I have concluded that this is the case, the issue would still need to be addressed.
8. The correspondence between the two main parties indicate that the Council have cooperated, and their statement of case was submitted within PINS deadlines. The

Council also promptly responded to queries from PINS relating to additional information submitted by the applicant. The Council did not refuse the planning application and therefore it is not demonstrated that permission was refused on a planning ground capable of being dealt with by conditions.

9. Whilst the site has extant permission, this is for 2 dwellings or a permission in principle, which is not a grant of planning permission. As such, they are not directly comparable to the application before me.
10. Given that the information submitted, and work undertaken at appeal stage by the applicant was necessary, no unnecessary or wasted expense in this regard is demonstrated.

Conclusion

11. I conclude that unreasonable behaviour, either procedural or substantive, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR