



Costs Decision

Site visit made on 11 March 2025

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Costs application in relation to Appeal Ref: APP/H1840/W/24/3354318 Croft Farm Leisure and Water Park, Tewkesbury Road, Bredons Hardwick, Tewkesbury GL20 7EE

- 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 Wychavon District Council for a partial award of costs against Mr Martin Newell.
 - The appeal was against the refusal of planning permission for erection of a dwelling and associated garage.
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Decision

1. The application for a partial 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. Paragraph 031 of the PPG states that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive. Paragraphs 052 and 053 of the PPG sets out some examples of unreasonable behaviour by appellants. One of these is introducing fresh and substantial evidence at a late stage necessitating an adjournment or extra expense for preparatory work that would not otherwise have arisen.
4. Whilst the submission of late evidence is not encouraged, the planning consent granted on the adjacent site to the appeal site was provided by the appellant on the same day that it was granted consent. I acknowledge that this was after the final comments' deadline, as well as a further deadline for comments given after this. However, given the date of this other decision, this evidence was unable to be submitted at an earlier stage in the appeal process.
5. The timing of this decision was unfortunate, and I acknowledge the Council's frustrations concerning the late evidence and more time being taken in regard to preparing a response to the planning consent on the adjacent plot. However, it was not unreasonable for the appellant to bring it to my attention given the location of this other permission. I consider that the appellants' actions fall short of what I would regard as unreasonable behaviour in this instance.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a partial award of costs is not warranted.

Laura Cuthbert

INSPECTOR