



Costs Decision

Site visit made on 9 April 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Costs application in relation to Appeal Ref: APP/F1610/W/24/3351725 Land Parcel to the North of The Byre, Badsey Lane, Willersey, Evesham, Gloucestershire WR11 7HF

- 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 Ian Miles for a full award of costs against Cotswold District Council.
 - The appeal was against the refusal of planning permission for the construction of livery yard to include stable building for 15 equines with lean-to for storage feed and bedding, formation of midden, formation of outdoor manege, formation of parking area, formation of access track, formation of surface water attenuation basin, landscaping and change of use of land from agriculture to equine related use.
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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 local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by making vague, generalised or inaccurate assertions about a proposal's impact, refusing planning permission on a planning ground capable of being dealt with by conditions and not determining similar cases in a consistent manner.
4. Whilst not explicitly referenced in their submissions, including within the list of drawings set out in the delegated report, the Council has made it clear that the submitted landscape and visual appraisal and amended landscaping plan were taken into account in the consideration of the proposal, including by the landscaping officer. A site visit was undertaken by the Case Officer.
5. Whilst I have not agreed with the Council in relation to this matter, their concerns are set out clearly and this refusal reason is neither vague nor unsubstantiated.
6. Other than finer details regarding the hedgerow mix, there are no additional issues raised in the second consultation response from the Landscape Officer. Whilst unfortunate, it is not demonstrated that if it had been provided previously to the applicants, that costs during the appeal stage would have been avoided.

7. The submission of the Appeal Statement on Highways Matters addressed original concerns from the Highways Authority regarding a lack of information, including the existing average daily flow figures and average speed measurements. Whilst the Council's case does not address this additional information, it is not demonstrated that providing the additional information was not necessary.
8. The lack of response from the Highways Authority at appeal stage is again, unfortunate but not uncommon, given limited resources.
9. The daily comings and goings from the nearby solar farm would not be directly comparable to the proposal. The lack of direct reference to this by the Council is does not prevent their case on this matter being substantial nor result in similar cases being determined in an inconsistent manner.
10. As such, it has not been demonstrated that the applicant's time and expense in defending this matter at appeal was not necessary and has resulted in unnecessary or wasted expense on their behalf.

Conclusion

11. I conclude that unreasonable behaviour 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