



Costs Decision

Site visit made on 12 May 2025

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Costs application in relation to Appeal Ref: APP/P1615/W/25/3360745 Spring Bank, Malswick, Newent, Gloucestershire, GL18 1HF

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr R Daldry for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for Change of use of an office building (Class E) to a single holiday let for tourism purposes, including associated works. (Retrospective) without complying with conditions attached to planning permission Ref P0548/24/FUL, dated 1 July 2024.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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. Examples of unreasonable behaviour by local planning authorities set out in the PPG include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant's cost claim in summary submits that the council behaved unreasonably in that it should not have considered the lack of an identified need for an annex as a reason for refusing the application; it made unreasonable assumptions regarding the potential use of the building as an independent dwelling; it relied on out of date supplementary planning guidance; and, was inconsistent in its decision making.
5. I concluded that identifying a need can help to justify an annex by indicating reliance on the main house and its occupants, although it was not determinative to my decision. In the absence of any indication of a functional, social or physical link to the main house, I do not consider reference to a lack of need by the Council was unreasonable. It was also clear in the conclusions in the Officer's Report that the separation from the main dwelling and the provision of independent facilities weighed heavily against the proposal and were substantive reasons for refusing the application, rather than solely based on a lack of identified need.

6. When assessing proposals for an annex it is common to consider whether it could form a separate dwelling, even if that is not what planning permission is being sought for. It is an approach that I took, and I reached a similar conclusion to that of the council.
7. I considered that the Forest of Dean Residential Design Guide (Alterations and extensions) (2002) Supplementary Planning Guidance, was consistent with the Framework and Development Plan policy in that it promotes good design. Therefore, despite its age and reference to policies in a previous plan, it remains a material consideration. This was a view taken by an Inspector¹ in another recent appeal.
8. The examples of other proposals approved by the council, provided by the appellant, were not directly comparable to the appeal proposal and do not therefore provide evidence of inconsistency in determining applications.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. As such, an award of costs has not been justified in this case.

P D Sedgwick

INSPECTOR

¹ Appeal Ref: APP/P1615/W/21/3282735