



Costs Decision

Site visit made on 19 June 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Costs application in relation to Appeal Ref: APP/P1615/W/25/3361371

Lion Row, Parkend, Lydney, Gloucestershire, GL15 4JZ

- 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 Peter Hayes for a full award of costs against The Forest of Dean District Council.
 - The appeal was against the Council's refusal to grant planning permission for the erection of electric gates and associated walls and piers.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 reasons for the application were made in writing. In summary, it is alleged that the Council prevented or delayed development which should clearly have been permitted and in opposing the development relied on vague, generalised or inaccurate assertions which are unsupported by objective analysis.
4. The Council could not justifiably be accused of preventing or delaying development since the development subject of appeal has already been built and has been operational for some time.
5. The appellant refers to the officer report on the application and considers it represents a comprehensive analysis of the scheme, but the recommendation to permit was rejected by members. However, before taking its decision, members visited the site to judge for themselves the merits of the already built development. The Development Management Committee (DMC) minutes show that following the site visit there was a full discussion of the scheme. Officer recommendations are not bound to be accepted, and in this case, I am satisfied that this decision was not taken lightly.
6. Whilst the appellants consider the Council's assertions to be vague and generalised, the reason for refusal and statement of case are as clear as they can reasonably be in circumstances involving issues relating to personal perceptions calling for subjective rather than objective judgments on the merits of a scheme.

7. That I disagreed with the Council's view does not automatically render the Council's assessment unreasonable. The DMC's members, with regard to the site visit in particular, were entitled to arrive at the judgment reached, notwithstanding the officer recommendation. It is perfectly clear to me from the documentation why they thought fit to refuse the application, and the accusation of vagueness is considered unjustified.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and the application is therefore refused.

G Powys Jones

INSPECTOR