



Costs Decision

Site visit made on 18 June 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Costs application in relation to Appeal Ref: APP/F1610/W/24/3357853

Lower Field Farm, Badsey Lane, Badsey, Evesham, WR11 7HF

- 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 Gareth Atkinson for a full award of costs against Cotswold District Council.
 - The appeal was against the Council's refusal to grant planning permission for a touring caravan site (20 pitches).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 and the Council has taken the opportunity to respond.
4. The appellant points to a lack of cooperation and delays during the progress of the application, but it appears to me that whilst delays are acknowledged by the Council, they were primarily caused by the time taken by the Gloucestershire County Council (GCC) as Highway Authority, to respond to consultation. It was, I believe, important to the Council to discover the GCC's views as a statutory consultee both on the originally submitted application and the subsequent Transport Technical Note (TTN) submitted in July 2024 in response to the GCC's original representations. To my mind, in these circumstances, the Council's delay in dealing with the application can be understood and does not rank as unreasonable conduct.
5. Neither in my view can the Council be justifiably accused of disregarding development plan policy. The officer report shows clearly that the Council regarded the site as acceptable in principle for the use, as acknowledged in the substantive decision on the appeal. Assessments on subject matters having regard to other development plan policies were made. The Council clearly considered the policies of the development plan taken as a whole.
6. It cited but a single development plan policy in its reason for refusal and that related to highway safety issues. There were two aspects of concern, the access point and the suitability of local roads to safely accommodate the generated traffic.

7. With regard to the access point I see little to indicate that the Council took into account the empirical evidence and data produced by the appellant at application stage. This included the extent of the available visibility spays; speed data expressed in average and 85%ile speeds and forward visibilities. This technical information was barely mentioned in the officer report, or at appeal stage in the Council's evidence. The appellant's technical evidence and data has not been seriously contested; the Council has not produced factual/technical evidence of its own to persuade me that this would prove to be an unsafe access point, and no convincing explanation has been forthcoming as to what additional information the Council may have required in order to arrive at a reasoned judgment.
8. With regard to safety issues related to the local highway network, the Council relied principally on the views expressed by GCC at application stage and refers me to what is described as '*a technical highways response*' produced by the GCC as an annexe to the Council's statement for the appeal. Much of the GCC's statement is a repetition of its initial observations on the application. Its description of Bardsey Lane from Willersey to the appeal site is less than complete in the sense that whilst narrow, it is possible for two vehicles to pass one another at most points, and forward visibilities are very good once the low bridge on the outskirts of Willersey is passed. Reference is made to a 90° bend in Willersey and a long hazardous bend on Collis Lane, with a suggestion that they may cause safety concerns. However, the data on accident history produced by GCC shows not a single accident within the village of Willersey or on the stretch of Collis Lane within GCC's administrative area.
9. I regard the Council's description of the GCC's statement as a technical response to be a misnomer. It is a rather rambling statement, containing some inaccuracies and a lack of precision. Planning Policy Guidance advises that a Council is at risk of an award made against it when it fails to produce evidence to substantiate each reason for refusal on appeal and/or relies upon vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. I find that to be the case here.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated. Accordingly, a full award of costs is justified.
11. I fully appreciate in making this award that the Council relied on the input of the GCC as a statutory consultee. However, the Council is not bound to adopt the views of a consultee, and serious questions should have been raised as to whether it should have been relied upon especially given the almost diametrically opposite view expressed by the neighbouring highway authority in a lengthy and considered submission on what is in effect a similar stretch of road to the north of the appeal site.

Costs Order

12. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, **I HEREBY ORDER** that Cotswold District Council shall pay to Mr Gareth Atkinson the costs of the appeal proceedings, such costs to be assessed in the Senior Courts Costs Office if not agreed.

13. The appellant is now invited to submit to Cotswold District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

G Powys Jones

INSPECTOR