



Costs Decision

Hearing held on 17 July 2025 & 18 July 2025 (online)

Site visits made on 16 & 17 July 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Costs application in relation to Appeal Ref: APP/P1615/W/25/3363981

Land North East of Grove Lane, Lydney

- 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 Lantar Developments Ltd for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for outline application for residential development for up to 80 dwellings, including 50% affordable housing, and all associated works, with all matters reserved for future determination except for access (excluding internal roads).
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Decision

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

The submissions

2. The costs application was made in writing prior to the close of the hearing. The Council responded in writing following the close of the hearing. Final comments were also received in writing from the appellant by the agreed deadline.

Reasons

3. 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.
4. The appellant seeks an award of costs on the substantive merits of the scheme in light of the refusal of permission being issued by the Council contrary to its officer recommendation of approval. It is alleged that there is insufficient evidence or analysis to justify the refusal on sustainable transport grounds, limited consideration of the provisions of paragraph 11 d) of the National Planning Policy Framework (the Framework), and issues relating to the misinterpretation of policies.
5. Though I have sided with the appellant on the overall outcome of the appeal, it was on the balanced judgement that understood the evidence and position of the Council's Committee in having reached the decision to refuse permission. I shall not duplicate my findings as they are covered in the separate decision, but the Council's position was sufficiently evidenced and understandable. The way in which it reached its view on the balance of considerations under the provisions of paragraph 11 d) of the Framework were sufficiently clear and understandable from the meeting minutes and the decision itself. The subsequent explanation in the

Council's Statement and evidence provided at the hearing assisted further in these regards.

6. The point about the Council's case going beyond the resolution of the Planning Committee is a moot point as the fact that the site is outside of the settlement boundaries would have had to have been conceded anyway. It has not added materially to the appellant's case. Similarly, the Council has not stated that the provisions of 11 d) are not engaged but have left that matter to me as the Inspector. The Council has sought to attribute weight to some policies of the development plan that require consideration as a primary starting point, which is understandable. The defence of the case is proportionate and does not amount to unreasonableness, particularly as an officer recommendation of approval cannot bind the Council's elected members to a specific decision. In my view, the Council has not behaved unreasonably or failed to substantiate its case.

Conclusion

7. In view of the above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Nicholls

INSPECTOR