



Costs Decision

Site visit made on 8 July 2025

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Costs application in relation to Appeal Ref: APP/P1615/W/24/3355832 Forest Lodge St. Whites Road, Cinderford GL14 3ES

- 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 and Mrs Paul and Susan Hayes for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for erection of 7 number dwellings, with parking and access.
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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. Council Officers recommended that planning permission be granted for the proposal, but the Council members took a different course of action. While the Council is not duty bound to follow the advice of its professional officers if a different decision is reached the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
4. The Planning Committee minutes indicate that members had objectively highlighted that the higher density of the proposed development was inconsistent with its surroundings and therefore harmful. Although I have come to a different view in my decision and drawn that from a wider area, I acknowledge that development along Buckshaft Road has a lower density compared to the proposal. The Council's members were entitled to take that view and from their perspective the proposal would conflict with the stated development plan and national policies. The members were also presented with the officer's report as well as a verbal and visual presentation given by officers. The Council indicates they had also undertaken a site inspection.
5. On the matter of living conditions, and particularly the proposal's alleged overbearing effect on neighbours, there is limited evidence of debate or analysis from committee members to substantiate this concern. Nonetheless, the concerns of interested parties on this matter was supported by an objective analysis of the effects, which the appellant has had to respond to in the appeal statement, in any event.

6. The policies referred to in the Council's refusal reason include considerations relating to local amenity and character and are therefore relevant to the concerns they have outlined. Furthermore, the committee minutes indicate that members were cognisant of the housing land supply position and that this was factored into the decision they eventually made.
7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns and the evidence of interested parties in any event. Furthermore, having assessed the evidence submitted by the appellant in addressing the Council's reasonable concerns, I do not consider that unnecessary expense was incurred on the Appellant.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

RE Jones

INSPECTOR