



Costs Decision

Site visit made on 21 August 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Costs application in relation to Appeal Ref: APP/C1625/D/25/3368844

Tanyard, Road from Church Court Cottage to Tanhouse Farm, Frampton on Severn, Gloucestershire, GL2 7EH

- 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 Mike Williams for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of planning permission for erection of a single storey extension.
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Decision

1. The application for an award of costs is allowed

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. The PPG makes it clear that a Local Planning Authority (the Council) is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
3. The appeal followed the refusal of permission on 15 April 2025 for a single storey extension. There was a single reason for refusal which was concerned with impact of the proposal upon the design and character of the existing property. My decision, which accompanies this costs decision, disagreed with the Council's decision, and allowed the appeal. The appellant's application for a full award of costs is made on the basis that they consider that the Council failed in their duty to substantiate the reason for refusal, failing to accurately assess aspects of the building and the proposal as well as failing to have proper regard for Local and National Planning Policy.
4. Whilst I note that there is no legal obligation for Council's to engage in discussions during a live planning application - the ability to do so is still positively recognised as an option within the PPG (Paragraph: 061 Reference ID: 14-061-20140306, Revision date: 06 03 2014). In the case of minor amendments, notwithstanding the ability for the appellant to have potentially engaged in pre-application advice (which they did not), in this case I find that due to the stances/opinions of the Council and the appellant respectively, being clearly very different as to the acceptability of the proposal, that such engagement during a live application would have been highly unlikely to have resulted in amendments that would have avoided a refusal and therefore negated the need to go to appeal. This is highlighted by the Council's comment that no small amendment to the scheme would have resulted in positive

recommendation combined with the previous applications and amendments to proposals which resulted in an impasse so to speak.

5. I acknowledge the appellant's comments with regard to not being given chance to withdraw the application, the inclusion of the informative on the decision notice with regard to withdrawal, as well as the timings of the emails/decision notice having been sent, however, I do not find that such matters (whether procedurally fair or not) contribute to having progressed to an appeal. I find that, based upon the evidence before me, the parties would likely have failed to agree an acceptable proposal which would, ultimately, have resulted in the proposal ending up at appeal, at some point, in any case even if it were following a withdrawal and resubmission. Even without the opportunity to withdraw, the appellant did not have to necessarily proceed to appeal – a resubmission could have been prepared for submission to the Council. I do not find, therefore, that a lack of opportunity to withdraw is of direct relevance or significance in the context of this application for the cost of an appeal.
6. I do not find the labelling of the elevations i.e. front or rear, is necessarily determinative of substandard assessment of the proposal in this particular case, as ultimately the refusal was based upon character and appearance, regardless of the specific elevation to which the proposals were attached, albeit some consistency would understandably have been preferable from the appellant's standpoint. The context of the proposal in terms of front, rear, side etc. was not a point for refusal – the proposal was refused due to design and general impact upon the host dwelling.
7. On the basis of the above I find that even if the appellant had engaged in pre-application advice and/or the Council had engaged in the application process, the parties would likely have been unable to agree an acceptable proposal based upon the documentation and correspondence before me, but this is entirely separate to the justification given for the refusal by the Council which is the subject of this appeal, and the basis upon which a submission was made. I find that the Council's assessment of the proposal, which ultimately influenced their interaction with the appellant, and which also formed the basis of their decision on the proposal, was based upon inaccurate assertions as well as being unsubstantiated with regard to their assessment of the existing building.
8. I find the proposal clearly replicated and continued a roof design which was compatible and consistent with that already in existence on the building. The Council asserted the proposal would not match any of the roofs on the existing dwelling, which I find raises concern as to the Council's interpretation in assessing the proposal. In addition, whilst there may be no bi-fold windows in the existing building, the means of opening a section of glass in an elevation is, I find, a moot point. The proposal would still result in a large glass opening where there are clearly existing large openings/a long bank of windows in the existing building. A glass opening, nor the proposal roof, would not be uncharacteristic.
9. Overall, I find that the Council's delegated report is limited in its assessment, and that assessment which has been undertaken raises concern as to the Council substantiating the refusal reason, taking into account the description of the existing building, and the approach taken, as outlined above. I find that the Council's reasoning with regard to character and appearance of the existing property to have been limited, which has unfairly impacted upon the assessment of the proposal, and which I find have failed to substantiate the refusal reason with regard to

character and design of the existing property and has made inaccurate assertions. In addition, there appears to be no evidence of assessment against the specific policies that are stated within the refusal reason in terms of their objectives and how the proposal is contrary to these.

10. There appears to be no reasonable basis for the stance with regard to the assessment of the proposal in the context of the character and appearance of the existing building as was utilised for refusal. It can be seen from my decision that I disagreed with the Council, and that there were not sufficient grounds to refuse the appeal as a result of my findings for the refusal reason. As a result, in this case it follows that I find the Council has acted unreasonably overall in this case, and that their behaviour resulted in unnecessary cost coming to appeal, and that the refusal reason given by the Council was unreasonable and unsubstantiated.

Costs Order

11. In exercise of the 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 enabling powers in that behalf, IT IS HEREBY ORDERED that Stroud District Council shall pay to Mr Mike Williams the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The appellant is now invited to submit to Stroud 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.

Eleni Marshall

INSPECTOR