
Costs Decision

Site visit made on 18 August 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Costs application in relation to Appeal Ref: APP/G1630/W/25/3365265 Bruford, Painswick Road, Brockworth, Gloucester, Gloucestershire GL3 4RP

- 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 Robert Freeman for a full award of costs against Tewkesbury Borough Council.
 - The appeal was against the refusal of planning permission for the erection of single self-build dwelling and other associated works.
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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. The applicant has referred to paragraph 047¹ of the Appeal PPG which sets out a series of examples of how a local planning authority's behaviour could be considered unreasonable in relation to procedural matters specifically during the appeal process. However, they have attributed these behaviours to the Council's actions during the application process.
4. Nevertheless, the effect of delays at application stage can impact how an appeal is dealt with. Accordingly, the applicant considers the Council has behaved unreasonably by not determining the planning application in a timely manner and during the application process failing to consult efficiently with relevant bodies.
5. The statutory determination date for the application was 3 January 2025, but the Council did not issue the Decision Notice (DN) until 15 April 2025. The applicant confirms they started to prepare a non-determination appeal. But, when the DN was issued, they needed to alter their appeal submission, thus incurring wasted expense.
6. However, it was within the appellant's power to submit a non-determination appeal within the 3-month gap between the statutory deadline expiring and the DN being issued. This delay was not tied to the Council's application process, which includes the consultation of relevant bodies. Therefore, I do not find the Council's lack of efficiency to be wholly responsible for the appellant not being able to appeal in a

¹ Reference ID: 16-047-20140306, Revision date: 06 03 2014

timely manner. Consequently, it was due to the delay in submitting the non-determination appeal that then required the applicant to re-work their submission.

7. Consequently, taking into consideration the evidence before me, and for the reasons given above I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

RJ Redford

INSPECTOR