
Costs Decision

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Costs application in relation to Appeal Ref: APP/C1625/X/24/3337580
10 Canons Court Mews, Bradley Green, Wotton-Under-Edge, Gloucestershire
GL12 7PN

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Nicola Atkins & Mr Stephen Jones for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of a certificate of lawful use or development for use of the property as an unfettered permanent residential dwelling (Use Class C3) in breach of Condition 6 of planning permission Ref S.00/2019, which restricts its use to a holiday unit, each period of occupation not to exceed 28 days.
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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 appellants state in Section 5 of their appeal statement that the application is made on the basis of unreasonable procedural behaviour through timeliness and failure to communicate with them without good reason.
4. There is no onus on Local Planning Authorities to communicate with applicants on LDC applications in regard to any concerns they may have as to lack of documentation in regard to lawfulness of any use or development, including in relation to any perceived gaps in an alleged continuous use. On the contrary, the onus is firmly on the applicant to submit full details of such an alleged lawful use or development at the application stage.
5. I agree that the Council in this case could have outlined any concerns it may have had regarding what it considered to be the gaps in the use of the property as a permanent unfettered dwelling in responding to the appellants' agent's emails, but it was not obliged to do so. Its behaviour was not unreasonable because the information supplied by the appellants at appeal in relation to periods A and C should have been supplied initially, at the application stage. The onus was firmly on the applicants to have done so.
6. In any case, the appeal would not have been avoided because the Council still maintained that the 5-months plus gap in period A (19 March to 25 August 2016) was still a break in continuity of the unauthorised unrestricted permanent residential use of the appeal property. Although I have found against the Council and allowed

the appeal, its case on this point was certainly arguable and not unreasonable in itself.

7. I don't understand the applicants' concern about timeliness. They agreed to an extension of time for the Council to determine the application. They could, alternatively, have appealed on non-determination grounds, in which case the appeal would still have gone ahead. As it was, the determination was reached only one week after the statutory 8-week period.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Nick Fagan

INSPECTOR