
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: 01 September 2025

Costs application in relation to Appeal Ref: APP/P1615/W/25/3360899 Haulage Transport Depot, Plump Hill, Mitcheldean, Gloucestershire, GL17 0EY

- 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 Colin Wozencroft for a full award of costs against Forest of Dean District Council.
 - The appeal was against the refusal of outline planning permission for the proposed development described as: 'erection of up to 5 dwellings with associated works (redevelopment of brownfield site)'.
-

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 Appellant's case essentially rests on the Council failing to substantiate its reasons for refusal and incorrectly interpreting development plan and national policies as well as planning law. It has also, according to the appellant, failed to apply specific policies considered relevant to the case.
4. The Council's officer report and second refusal reason refers to the proposal being contrary to Policy B2 of the Mitcheldean Neighbourhood Development Plan (MNDP). The appellant's statement of case correctly indicates that the policy is not relevant as it is not in any of the protection zones covered by that policy's requirements.
5. The Council's statement of case has acknowledged the policy's inclusion in the refusal reason was an error. The PPG advises that providing information that is shown to be manifestly inaccurate or untrue may give rise to an award of costs against a Local Planning Authority¹. Accordingly, I consider that the Council has acted unreasonably in this regard.
6. However, an award of costs resulting from unreasonable behaviour must directly cause another party to incur unnecessary or wasted expense in the appeal process. In this regard the appellant statement of case very briefly highlights that the appeal site falls outside of the protection zones covered by the policy and is not

¹ Paragraph 047 Reference ID: 16-047-20140306, Planning Practice Guidance

- relevant to the case. This would not have required any lengthy analysis or assessment on the part of the appellant's agent in highlighting this error.
7. Accordingly, whilst I'm of the view that the Council's error led to unreasonable behaviour it has not amounted to any necessary or wasted expense. In any case the absence of Policy B2 would not have avoided the application being refused for the reasons outlined in the second refusal reason as the scheme was contrary to another development plan policy, namely CSP.7.
 8. Notwithstanding the above error, the Council's officer report has set out all the relevant policies relating to the matters in dispute. A detailed and clear assessment has been carried out explaining how the proposal would be contrary to those policies insofar as they relate to the loss of employment land, the effect on protected species and the district's settlement strategy. Other than Policy B2 I am satisfied that the policies referred to in the officer report and the Council's decision notice were relevant in this case.
 9. The officer report has also carried out a balancing exercise weighing the scheme benefits against the harms. The report assigns a degree of importance and weight to each of those issues and comes to a final view that the disbenefits outweigh the benefits. Therefore, I am satisfied that the Council has undertaken a planning balance exercise that objectively substantiates its decision.
 10. The appellant considers that a "priority" for the redevelopment of previously developed land as per the requirements of Policy CSP.5 has not been given. Whilst the wording of the policy emphasises the importance of development on PDL, the Council would still need to consider other development plan policies and issues pertaining to the development and I am satisfied they have done so in this case.
 11. The appellant considers that Policy CSP.17 has not been fully considered. This policy requires the Council to review its policies if they are being ineffective. I am not aware of any review of the development plan currently taking place. However, I have no reason to disagree with the Council that the policies continue to be effective given that those they have found to be in conflict are largely consistent with national policy.
 12. On this basis, even though the Council made an erroneous reference to a policy, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

RE Jones

INSPECTOR