



Costs Decision

Site visit made on 13 August 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 September 2025

Costs application in relation to Appeal Ref: APP/T1600/W/25/3361308 Unit 16, New Dunn Business Park, Sling, Gloucestershire GL16 8JD

- 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 Gloucestershire County Council for a full award of costs against K & B Recycling Limited.
 - The appeal was against the refusal of planning permission for development described as 'Retrospective application for a metal recycling and car breaking operations facility at Unit 16, New Dunn Business Park, Coleford, Gloucestershire, GL16 8JD.
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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 Council's cost application claims unreasonable behaviour by the applicant in terms of their resistance to, or lack of co-operation in providing information during the planning application stage, delay in providing information or other failure to adhere to deadlines, providing information that is shown to be manifestly inaccurate or untrue and deliberately concealing relevant evidence at planning application stage. It also asserts that the appeal had no reasonable prospect of succeeding as the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
4. The applicant maintains that they have made genuine efforts to engage with the planning process in a co-operative and transparent way, in particular by appointing an experienced planning consultant to act on their behalf and providing additional information as requested by the Council. Nonetheless, the Council contend that the applicant failed to co-operate and delayed the submission of information in relation to surface water pollution and noise. I appreciate that the Council finds the applicant's actions frustrating. However, while the applicant acknowledges there may have been delays in the submission of information and communication issues, they indicate these were not in any way intentional.

5. Moreover, the difference of opinion as to what stage the information was required and the level of detail, are matters of judgment on which different views may legitimately be reached. Although ultimately, I have reached a different view to the appellant on the matters of noise and land stability, this is not to say that their approach is wholly unreasonable. Furthermore, it will be seen from my decision letter that I have found that the matter of pollution could be dealt with by way of a planning condition.
6. Even though the information on the submitted site layout plan was not wholly accurate and could be perceived as being misleading, I do not consider that it can be found to be manifestly inaccurate or untrue. Furthermore, the applicant indicates that they provided updated site plans that accurately reflected the operational area and clearly express their willingness to work with the Council to resolve any discrepancies through ongoing dialogue during the planning process. In light of this, I am satisfied that the appellant has not acted unreasonably in this respect.
7. While development, including earthworks may have been carried out in advance of a planning application, without an explanation as to their purpose when the Council's Enforcement Officer visited the site, there is no compelling evidence that this would amount to unreasonable behaviour through deliberately concealing relevant evidence at planning application stage.
8. In addition, the Council contend that the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise. The appellant's submissions include reference to a range of development plan policies it suggests are relevant, as well as the National planning policy for waste. Indeed, the Council acknowledge that the Gloucestershire Waste Core Strategy 2012 offers policy support for development, such as the appeal proposal, which drives waste management up the waste hierarchy and contributes to meeting the County's recycling targets. Although I have come to the decision not to grant planning permission, I have done so on balance and do not find this to be a case where the development should clearly have not been permitted. In light of the foregoing considerations, I do not consider that the applicant has behaved unreasonably or that the appeal could have been avoided.

Conclusion

9. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

E Worley

INSPECTOR