



Costs Decision

Site visit made on 12 August 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th September 2025

Costs application in relation to Appeal Ref: APP/C1625/W/25/3364888

Playschool for Dogs, Cirencester Road, Minchinhampton GL6 9ED

- 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 Miss Sharyn O'Flynn for a full award of costs against Stroud District Council.
 - The appeal was against the refusal of the Council to grant planning permission for development describes as:
 1. Timber structure - height 2400mm, width 2400mm, depth 1900mm. Timber shed with one door and two windows. Roofing felt on roof. For storage use.
 2. Three shelters; round wooden upright posts with corrugated tin roof, open all sides. Height 2200mm sloping to 2000mm, width between poles 3700mm, depth 3500mm. These structures have no sides/walls and are completely open.
 3. Concrete area. For the purpose of washing dogs. 10.6m by 6.7.
 4. Two adjoining shingled areas: shingle on plastic membrane - no hardstanding underneath, just grass underneath. One measuring 18m by 11m. The other measuring 11m x 8.5m.
 5. Entrance from Cirencester Road - type 1 topped with shingle. Access for vehicles. 23m from fence to parking area, 11m wide.
 6. Pool. Sunken dog splash area with concrete skim. 12,500mm length, 500mm deep at shallow end, 1000mm at deep end.
-

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 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. It is asserted that the Council did not take account of relevant guidance. However, the Case Officer's Review references the supplementary planning guidance in question as relevant. Moreover, the Council's reason for refusing planning permission was substantiated by relevant national and local policies. The Council's reasoning was not vague or generalised in this regard. Also, the Council went on to defend its decision with the submission of a statement in this appeal process.
4. It is stated that the Council was inaccurate in not considering what is already permitted at the site. But the site history is set out in the Case Officer's Review.
5. The Case Officer's Review also includes an assessment of landscape impact, again with reference to local and national policy. This section of the Review outlines the nature of the site and clarifies the effect of the lawful use on this setting. Moreover, the Review goes on to identify the features that the Council finds visually harmful.

6. The assessment of impact on landscape requires some judgement. The Council's judgement on this matter, while contrary to the applicant's, does not appear in anyway lacking, biased or unreasonably influenced by the retrospective nature of the development given the factors above. Indeed, I have reached the same conclusion as the Council on this matter for similar reasons.
7. It is stated that the Council failed to weigh matters appropriately in this case, particularly with regards economic development. But again, this matter was referenced in the Case Officer's Review. In any event, I have assessed this development and found significant visual harm to a National Landscape, and the great weight that this attracts is not outweighed by other factors in this case. Consequently, the Council did not prevent or delay development that clearly should have been permitted.
8. The applicant states she was unsupported during the application process and that the Council failed to approach the decision making in a positive and creative way. Although the evidence indicates limited interaction between the parties during that stage, the applicant was given clarity of the Council's reason for refusing permission and the factors that underpinned that decision.
9. I find no compelling evidence that the applicant at that point, with the benefit of that information, sought to engage with the Council and to advance a less harmful scheme than the one that was refused permission. Instead, the applicant chose to appeal. Even if I find that the Council has acted unreasonably in failing to adopt a positive approach to decision making during the application process, the outcome in respect of the harmful scheme that the applicant persisted with is unchanged. I find no wasted expense has been incurred for this reason.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A J Sutton

INSPECTOR