
Costs Decision

Hearing held on 23 July 2025

Site visit made on 23 July 2025

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Costs application in relation to Appeal Ref: APP/F1610/W/25/3359082

Employment Land, East of Spratsgate Lane, Cirencester GL7 6DF

- 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 Carbide Properties for a partial award of costs against Gloucestershire County Council.
 - The appeal was against the refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission for a mixed use development comprising demolition of existing buildings (as detailed on the submitted demolition plan) and the erection of up to 2,350 residential dwellings (including up to 100 units of student accommodation and 60 homes for the elderly), 9.1 hectares of employment land (B1, B2 and B8 uses), a primary school, a neighbourhood centre including A1, A2, A3, A4 and A5 uses as well as community facilities (including a health care facility D1), public open space, allotments, playing fields, pedestrian and cycle links (access points onto Tetbury Road, Somerford Road and Cranhams Lane) landscaping and associated supporting infrastructure to include vehicle access points from Tetbury Road, Spratsgate Lane, Wilkinson Road and Somerford Road at Land At Chesterton Farm Cranhams Lane Cirencester Gloucestershire GL7 6JP.
-

Decision

1. The application for an award of costs is refused.

Procedural Matter

2. The costs application was submitted in writing. The application for a partial award of costs was made against both Cotswold District Council (CDC) as the local planning authority and Gloucestershire County Council (GCC) as the local highway authority. The application for an award of costs against CDC is subject to a separate decision.
3. GCC, as a statutory consultee, upon whose technical advice CDC relied upon in refusing the reserved matters application, is a party to the appeal. GCC did not attend the Hearing and I therefore invited GCC to respond to the application in writing after the close of the Hearing. GCC did not provide a response. All submissions have been considered in reaching my decision.

Reasons

4. 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.

5. The PPG advises that statutory consultees must, at the earliest opportunity, notify the local planning authority if their advice changes from that provided during the determination of the application to which the appeal relates.
6. On the advice of GCC, CDC refused the reserved matters application (RMA) on the grounds that the scheme would not provide sufficient parking which would lead to overspill parking on the streets. It required a legal agreement to secure financial contributions to enable GCC to implement parking restrictions to prevent this. No legal agreement was provided.
7. The applicant's parking needs assessment concluded that sufficient parking would be provided on site and therefore overspill parking would not occur. GCC raised concerns about the robustness of that assessment. Amongst other things, it was not satisfied that the basis on which the applicant had calculated parking needs. This was due to its reliance upon Trip Rate Information Computer System (TRICS) data from the outline planning permission which drew data from locations across the UK and not directly comparable to the appeal site. It also had concerns about the age of the data which dated back to 2014. GCC requested an updated parking needs assessment using comparable and up to date data. In the absence of this, it maintained its objection to the proposal which subsequently formed a reason for refusal.
8. Shortly before the Hearing, GCC confirmed that it no longer objected to the scheme. GCC advised it had changed its position in the light of further information provided by the applicant. The applicant asserts that information had been readily available at the time GCC objected to the scheme and therefore should have informed its response to the consultation.
9. Copies of correspondence between GCC and the applicant, including an updated Highways Statement of Common Ground and an updated parking accumulation note was submitted prior to the Hearing. This confirmed that the applicant submitted updated TRICS data to GCC, based on the latest version of the TRICS database. It used data from the Industrial Estate Land Use category for sites in edge of town locations and of a comparable size to the appeal proposal. This updated information demonstrated that a sufficient level of car parking would be provided, and it was on this basis that GCC withdrew its objection to the scheme. There was no delay in making CDC aware of the change in its position.
10. The updated information supported the same conclusion that the OPP data did, that is that sufficient parking on site would be provided. Nevertheless, I do not find anything unreasonable about GCC seeking to make sure that the level of parking on site would be sufficient based on up to date and comparable evidence to ensure that the development would not give rise to parking issues on the highway. An evidence-based approach was a requirement of the approved Steadings Site Wide Design Code in relation to parking provision for non-residential uses. GCC acting in accordance with this.
11. GCC requested this information throughout the application process, but the applicant did not provide it until after the appeal had been lodged and shortly before the Hearing. Had it done this when originally requested, it seems to me that this may not have been a reason for refusal in the first instance and this matter would not have been a disputed issue in the appeal process.

12. For this reason, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense has occurred and an award of costs is not warranted.

Rachael Pipkin

INSPECTOR