
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 Cotswold District 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.
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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 GCC is subject to a separate decision. I allowed time after the close of the Hearing for the Council to respond to the application and for the applicant to submit final comments. All submissions have been considered in reaching my decision.

Reasons

3. 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.
4. The PPG is clear that a local planning authority may be at risk of an award of costs if they behave unreasonably in preventing or delaying development which should clearly be permitted and failing to produce evidence to substantiate each reason for refusal.

5. CDC refused the reserved matters application (RMA) on two grounds, one of which was that the scheme would not provide sufficient parking which would lead to overspill parking on the streets. CDC required a legal agreement to secure financial contributions to enable the local highway authority to implement parking restrictions to prevent this.
6. Shortly before the Hearing, CDC withdrew this reason for refusal because 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.
7. As explained in my decision on the costs application against GCC, I have found that GCC behaved reasonably in requiring up to date information to substantiate the applicant's parking needs assessment. The request was made throughout the application process, but the applicant did not provide this information until the appeal was underway. It was not therefore before GCC when it objected to the scheme.
8. On receipt of the revised information, GCC withdrew its objection accordingly. CDC then acted promptly following that to confirm that it was withdrawing that particular reason for refusal.
9. CDC correctly took advice from a statutory consultee, and I have found GCC's objection to be soundly based. It follows therefore that I do not find that CDC has unnecessarily delayed development or failed to substantiate its reason for refusal.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Rachael Pipkin

INSPECTOR