



Costs Decision

Site visit made on 16 September 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2025

Costs application in relation to Appeal Ref: APP/F1610/W/25/3362835

Frogmore Farmhouse, Stow Road, Moreton-in-Marsh, Gloucestershire GL56 9AA

- 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 Christopher White for a full award of costs against Cotswold District Council.
 - The appeal was against the refusal of planning permission for a proposal described as application for farm diversification being the provision of 10 additional storage containers for commercial storage purposes.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Paragraph 16-049-20140306 of the PPG states that examples of unreasonable behaviour can include failure to produce evidence to substantiate reasons for refusal, vague, generalised, or inaccurate assertions about a proposal's impact, and not determining similar cases in a consistent manner.
3. The appellant considers that the Council has behaved unreasonably because it has failed to substantiate its reason for refusal, relying upon Highway Authority (HA) evidence that failed to engage with the evidence, rather than undertaking a reasoned analysis of the appellant's substantive evidence that sought to address points raised. It has also misapplied planning policies and not considered similar cases in a consistent manner with reference to a previous proposal at the appeal site¹ and a recent proposal a short distance to the north of Moreton-in-Marsh².
4. The Council is of the view it has not behaved unreasonably because the proposal conflicts with the development plan, it is necessary to have regard to the views of the HA upon the important matter of highway safety, it gave the appellant the opportunity to respond upon the HA objection, and discussed the matter with the HA in person. It considers it had due regard to the similar applications referred to by the appellant but that each application must be considered on its own merits.
5. The appeal was refused based upon a consultation response and brief subsequent email seemingly responding to the appellant's fairly detailed Technical Note with a

¹ Ref. 19/02372/FUL.

² Ref. 23/01864/FUL.

- single sentence. The HA submissions, in combination, explain in brief terms the reason the HA finds it unacceptable, but it does not substantiate the reasoning in-light of technical evidence submitted and does not address many specific important points made by the appellant. From the appellant's evidence the existing access is of adequate specification, average trip generation rates and traffic flows are based upon good evidence and appear reasonable, accident rates and causes were analysed, and reasoned conclusions made based upon the evidence presented.
6. The content of the meeting between the HA and the Council in which I am told the evidence was discussed in detail, are not fully clear from the written evidence, only its conclusion. I can see no meaningful engagement of the evidence during consideration and reasoned assessment of it by either the HA, or the Council, particularly noting it appears there was a long gap between the Technical Note submission and HA response. I find the subsequent case made at the appeal by the Council and HA very limited, lacking the necessary substantiation, and not addressing key points and evidence submitted by the appellant.
 7. I am still unclear as to why the Council and HA have reached their ultimate findings upon the substantive evidence submitted by the appellant. The Council and HA express very generalised assertions and concerns about the impact of the proposal in-light of specific national and development plan policy tests, and it is not for an Inspector to an appeal to make the case for a party.
 8. Given the cumulative effects with existing development I do not necessarily agree it is demonstrated the previous case at the appeal site, and the access and flows outside the case to the north I am referred to, are so directly comparable to the appeal proposal that it would justify allowing the appeal. It is also an important principle that each case must be considered on its own merits and impacts. However, from the Council's and HA cases, an evidence based distinction as to why a differing finding was reached upon those applications, to this appeal scheme, is not made.
 9. As the it's professional adviser on highway matters, the Council has given the view of the HA significant weight in determining the application. However, from the evidence before me, the Council appears not to have fully assessed and given adequate weight to the detail and substance of the appellant's substantive detailed evidence. As a consequence, it has failed to adequately substantiate its reason for refusing permission having regard to the likely effects of the proposal, and it has not explained why in-light of the substantive evidence, the appeal scheme conflicts with each of the relevant development plan and Framework policy tests.
 10. In consequence of the foregoing, this has resulted in vague, generalised and inaccurate assertions about the impact of the development. Therefore, the Council is considered to have behaved unreasonably in this regard, resulting in the appellant having to submit the appeal and the appellant has incurred unnecessary and wasted expense in the appeal process to address the single reason for refusal.
 11. Therefore, for the reasons set out above, unreasonable behaviour resulting in unnecessary and wasted expense in the appeal process has been demonstrated and a full award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cotswold District Council shall pay to Mr Christopher White, the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. Mr Christopher White is now invited to submit to Cotswold District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Mr D Szymanski

INSPECTOR