Planning Inspectorate

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: 10 October 2025

Costs application in relation to Appeal Ref: APP/F1610/W/25/3361712
Abbots Hill, Duntisbourne Abbots, Cirencester, Gloucestershire GL7 7JN

- 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 Jamie Eykyn for a full award of costs against Cotswold District Council.
- The appeal was against the refusal of the Council to grant planning permission for development described as renovation of barn and new side addition with garage to create a one bedroom dwelling as an adjunct to the main house of Abbots Hill.

Decision

1. The application is dismissed.

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. PPG states that examples of unreasonable behaviour include delays in providing information, failure to adhere to deadlines and introducing a new reason for refusal.

4. The information shows considerable delay in validating the planning application, and in large part this appears due to difficulties contacting the Council. With regards protected species and providing follow-up surveys, it seems, given this context, the Council could have applied some flexibility in allowing the applicant to address this matter during the application process.

5. Also, the evidence indicates that the Council only raised the issue of the proposal's potential impact on protected habitats very late in its decision making process. The explanation for this and the guidance to the applicant regarding this issue is somewhat unclear.

6. That said, the applicant was aware that follow up surveys were required to understand the potential impact of the proposal on protected species on this site. Moreover, national guidance advises that matters relating to protected species should not normally be addressed by condition.

7. Regarding protected habitats, the proposal would likely have significant adverse effects on the integrity of a Special Area of Conservation when considered in combination with other projects. The requirements related to this issue are set out in Regulations and must be addressed prior to decision making.

8. Turning to biodiversity net gain, this is also a matter governed by statute and the applicant made an error, regarding this issue, in the self-assessment form completed at the application stage. As outlined in my appeal decision, the relevant statute and guidance dealing with this does not provide flexibility when applying exemptions. Where a proposal does not qualify as an exemption, legislation requires that certain information must be submitted at the application stage.

9. The Council's decision sets out reasons, related to the above issues, for refusing planning permission in this case. These reasons are substantiated with reference to relevant policy and legislation. The Council went on to defend its decision during this appeal process and no substantive new issue was raised during this period. Moreover, I agree with the Council reasons for refusing permission. Consequently, the Council did not prevent or delay development that clearly should have been permitted.

10. Although aspects of the application process were handled poorly by the Council, the reasons for refusal were not vague or generalised. Despite this the applicant persisted with an appeal and during that process failed to address the statutory requirements and duties highlighted in the Council's decision notice. In light of these circumstances, even if I found that the Council acted unreasonably, for the reasons outlined, this did not cause the applicant to incur unnecessary wasted expense in this process.

11. In conclusion, unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A J Sutton

INSPECTOR