



Costs Decision

Site visit made on 10 September 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Costs application in relation to Appeal Ref: APP/J3720/W/25/3369046 Saddlebow House, Saddle Bow Lane, Claverdon, Warwickshire CV35 8PQ

- 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 M Roberts for a full award of costs against Stratford-on-Avon District Council.
 - The appeal was against the refusal of planning permission for change of use of an existing stable block to holiday lets, with associated external alterations and parking provision.
-

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 (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. This decision is concerned with the principle of whether costs should be awarded and not the amount. I have had regard to relevant case law, including those that have been brought to my attention.
3. The applicant contends that the Council has: made late and disproportionate requests for information; declined to accept or formally consult on a revised plan as well as refuse a request for a 3-week extension of time to allow for an additional bat survey to be undertaken; rejected the findings of the submitted bat survey undertaken by a qualified ecologist; and acted contrary to the principles of proactive engagement.
4. The Council has clarified that applications on the same site were invalidated due to the absence of information, including items on the Council's local list for planning applications which are required to be proportionate¹, and that items picked up on the latter application should have been picked up on the earlier application. Whilst I appreciate the frustration this would cause, I see little evidence that once the error had been identified, the Council was unhelpful or caused unreasonable delay during this part of the process.
5. The PPG² is clear that accepting any amendments on an application after it has been submitted is at the discretion of the local planning authority. The Council has a procedure that identifies 3 categories as to when amendments to applications should be sought, to ensure that applications are determined in a timely fashion.

¹ Planning Practice Guidance Paragraph: 038 Reference ID: 14-038-20140306

² Planning Practice Guidance Paragraph: 061 Reference ID: 14-061-20140306

6. In this case, the Council outlined that there were outstanding ecology issues which it considered were clearly contrary to adopted planning policies, and re-consultation with the Highway Authority on a revised plan would not have changed its recommendation. Whilst this scenario is not directly described in the procedure's categories, it closely matches category 2, which relates to a submitted scheme that is unacceptable and refused without negotiation, as the Council found that the application needed more than minor amendments. Therefore, as the proposal was clearly contrary to policy it refused the application without further negotiation. This has not prevented or delayed development, which should clearly be permitted and does not constitute a lack of co-operation in these circumstances. Furthermore, with the Council following its procedure, it discharged its functions fairly and consistently.
7. It is not clear why the speed survey data was not shared with the Highway Authority when it was initially consulted on the application, though it was subsequently shared as part of a re-consultation. The Highway Authority's comments received on 26 March 2025 were incorporated into the officer report and therefore this did not affect the outcome of this case.
8. As evident in the officer report and its response to the appellant's statement of case, the Council had regard to the findings of the submitted bat survey and considered the response from its ecology adviser. I acknowledge the Council's ecology adviser did not visit the site and the appellant's appointed ecologist came to a different conclusion on this issue. However, the Council made reasoned conclusions based on a clear analysis. As set out in my main decision, I agree with the Council that, following Circular 06/2005, such a survey is justified and should be carried out before planning permission is granted and follows government guidelines and caselaw. Therefore, this ground was not capable of being dealt with by condition.
9. Emergence surveys are time sensitive, with the survey window opening in May, which was the month after the application was determined. The process would involve the undertaking of the survey, the compiling and presentation of the findings, consideration of these by the Council including consultation with its ecology advisor, and the potential for further survey work depending on any evidence of bats. The Council's stance around holding the application whilst work is undertaken is reasonable, particularly within the context of determining applications in a timely fashion. Therefore, not agreeing to an extension of time on this occasion did not represent unreasonable behaviour by the Council.
10. Paragraph 39 of the National Planning Policy Framework (the Framework) requires local planning authorities to approach decisions on proposed development in a positive and creative way. The following paragraph emphasises the importance of early engagement and front-loading to improve the efficiency and effectiveness of the planning application system for all parties. Moreover, paragraph 44 highlights that the right information is crucial to good decision-making. Considering the communication with the appellant and that I have found the Council's approach to amendments to not be unreasonable in this case, I have found that the Council has acted in a suitably pro-active manner.

Conclusion

11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Barton

INSPECTOR