



Costs Decision

Hearing held on 2 December 2025

Site visit made on 2 December 2025

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Costs application in relation to Appeal Ref: APP/P1615/W/25/3362659

Land north of the Lydney Road, Bream

- 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 Forest of Dean Council for a partial award of costs against Powells.
 - The appeal was against the refusal of planning permission for development of the land for up to 30 residential dwellings (C3) with associated highway access and infrastructure.
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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.
3. The Council seeks a partial award of costs on the basis that the appellant submitted an Odour Technical Note prepared by Rappor (October 2025) ('the Technical Note'), which the Council contends was materially different to the technical evidence in respect of odour submitted during the application process, which resulted in unnecessary expense during the appeal.
4. The submission of the Technical Note was made within the timetable permitted by the previous Inspector initially tasked with determining the appellant's appeal, who had agreed that supplementary evidence could be submitted up to 14 days before the Hearing. I also had the opportunity to review this, and in my Pre-Hearing Note confirmed that I had accepted the submission of additional odour evidence in the form of the Technical Note, on behalf of the appellant, as this had been agreed by the previously appointed Inspector. Furthermore, this evidence is intended to address one of the Council's reasons for refusal and does not alter the nature the proposal (development of the land for up to 30 dwellings with associated highway access and infrastructure).
5. While it may have been the appellant's intention to review the original odour assessments, they advised they did not have access to the underlying survey data in respect of odour assessments submitted with the application or during its progress. The earlier odour assessments, in any event, been undertaken by different consultants. As such, the Technical Note was undertaken independently.

Nonetheless, in doing so, it reviewed the available odour complaint history and the Environment Agency's regulatory position.

6. In my observations, the relationship between the Technical Note and the earlier odour assessments is ultimately a matter of interpretation and planning judgement. The Technical Note does not seek to replace or replicate the previous assessments but is intended to provide clarification based on the information available to the appellant at the time. Taken together, this material provides additional context on how any residual odour impacts might be addressed through the detailed layout at the reserved matters stage. In this light, and on the evidence before me, I do not accept the Council's contention that the Technical Note renders the appeal "materially different."
7. Moreover, the Council would have been required to defend its reason for refusal on odour grounds irrespective of the additional information submitted at appeal. Odour formed a standalone and substantive reason for refusal, and the Council was therefore obliged to justify that position through evidence and expert input as part of the appeal process. The submission of supplementary technical material by the appellant does not alter that obligation, nor is there any substantive evidence that this created any additional burden beyond what the Council was already required to undertake in defending its decision.
8. Given all of the foregoing, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a partial award of costs is not justified.

M Aqbal

INSPECTOR