



Costs Decision

Site visit made on 7 January 2026

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Costs application in relation to Appeal Ref: APP/F1610/W/25/3370264

Farmland to the southeast of The Fosse Way, Stow Road, Maugersbury, Stow on the Wold, GL54 1JZ

- 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 G M Bennett & Partners for a full award of costs against Cotswold District Council.
 - The appeal was against the refusal of planning permission for agricultural building comprising Dutch barns and link.
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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 applicant considers the Council to have behaved unreasonably by misrepresenting the comments of the Highway Authority and Landscape Officer in its officer report, which has culminated in the need to appeal the decision.
4. It is the view of the applicant that the reference in the officer report to the GCC Highway Officer raising concerns with the application created a misleading impression about the highway safety implications of the proposal. Also, that the Planning Officer's assessment of the design, siting and impact of the proposal on the Cotswolds National Landscape contradicted the comments made by the Council's Landscape Officer.
5. The assessment of Highway Safety, set out at 8(b) of the Council's officer report, appears to be based on the initial comments of the Principal Highway Development Officer provided by email on 4 February 2025. While this was not the formal response of the Highway Authority, the justification set out in the formal response repeats these initial comments verbatim.
6. I appreciate that in addition to these initial comments the formal response concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion, and that there are no justifiable grounds on which an objection could be maintained. Nonetheless, it is clear that this lack of objection is subject to conditions and financial obligations.

7. The conditions suggested by the Highway Authority include the provision of a hard standing area in front of the gates which is positively drained to a suitable outfall to ensure no mud or loose material is carried onto the highway. The deposition of mud and debris onto the highway was therefore clearly a concern of the Highway Authority and it was not unreasonable for the Council to consider the impact of the proposal in the absence of this condition. Given this, I am satisfied that the comments of the Highway Authority have not been misrepresented. In any event, the Council is not bound to adopt the professional or technical advice of the Highway Authority.
8. The assessment of the design, siting and impact on the Cotswold National Landscape is set out at 8(a) of the Council's officer report. As part of this assessment the Planning Officer states the Landscape Officer to have noted that the building, whilst large, would be of an appearance typical for countryside and would therefore not cause harm to the landscape. While this is unhelpful, as the comments made by the Landscape Officer do not explicitly refer to the proposed agricultural building as being large, the Landscape Officer does refer to the apparent scale of the building, which suggests a similar finding.
9. Although Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets size limits for agricultural buildings, this does not prevent size and scale from being considered when assessing prior approval for the building's siting, design and external appearance under A.2(2)(i).
10. The officer report provides a concise summary of the comments made by the Landscape Officer and explains how the Planning Officer's view differs from those comments. The Planning Officer's view may seem to assert the direct opposite of the Landscape Officer. However, this type of assessment is a matter of judgement and, while as part of my determination of the appeal I concur with the view of the Landscape Officer, it is not unreasonable for the Planning Officer to come to a different conclusion. Overall, although the Planning Officer may not agree with the Landscape Officer's assessment, I am satisfied that the comments of the Landscape Officer have not been misrepresented. Again, the Council is not bound to adopt the professional or technical advice of its specialist officers.
11. The Council acknowledges that referring to public benefit in the first refusal reason was an error. I note this approach is also taken in the officer report. Nonetheless, this procedural mistake does not negate the landscape harm identified by the Council. Therefore, an appeal in this case would not have been avoided.
12. For the reasons set out above, I conclude that it has not been demonstrated that unreasonable behaviour has resulted in an appeal which would not have otherwise been necessary. Given this is the reason for the award of costs, and having regard to all other matters raised, an award for costs is therefore not justified.

Hannah Guest

INSPECTOR