Planning Inspectorate

Costs Decision

Site visit made on 17 November 2026

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2026

Costs application in relation to Appeal A Ref: APP/C1625/C/26/3377821
and in relation to Appeal B Ref: APP/C1625/C/26/3377822
Land and premises at Krate Village (adjacent to Whitminster Inn), Bristol Road, Whitminster, Gloucester, Gloucestershire

- The application is made under the Town and Country Planning Act 1990 (the Act), sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by McGoldrick Guo Ltd for a full award of costs against Stroud District Council.
- The appeal was against an enforcement notice alleging without planning permission, the material change of use of land from public house carparking and service area to a mixed commercial use and for the siting of multiple fifty one (51) shipping containers and two (2) timber cabins for use as accommodation for individual commercial businesses (including but not limited to retail shop, beauticians barber shop, uPVC window supply/storage, office spaces, dog grooming, hot food takeaways, toilet facilities, enclosed/secure compound area, and raised timber decking/platforms and fencing associated and car parking (mixed use/ Sui Generis).

Decision

1. The application for an award of costs is refused.

Preliminary Matters

2. The costs application does not specify whether it relates to Appeal A, to Appeal B or to both appeals. I have treated it as a single application seeking costs in relation to both appeals.

Reasons

3. 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 application claims unreasonable behaviour by the Council in terms of (i) serving an enforcement notice (the Notice) when it was not expedient to do so, and (ii) failing to liaise with the applicant on the matter.

4. In essence, the applicant's contention is that it was not expedient for the Council to issue the Notice when a planning application seeking retrospective planning permission had been submitted. In response, the Council states a planning application had been received but that it was invalid and there was no valid application for the alleged breach of planning control when the Notice was issued.

5. The judgment in *Britannia Assets v SSCLG & Medway Council [2011] EWHC 1908 (Admin)* held that Inspectors have no jurisdiction in dealing with appeals made under section 174 of the Act to determine whether it has been expedient for a local

planning authority to issue an enforcement notice. In light of that judgment, it would be inappropriate for me to consider such a matter in my determination of an application for costs.

6. The Council had previously expressed its concerns over development occurring on the appeal site by refusing to grant planning permission in March 2023 and June 2023 for development involving the stationing of containers. Moreover, the Council has sought to assist the applicant by providing pre-application advice on a proposal following the issuing of the Notice. As such, it would seem the Council has continued communicating with the applicant on the matter subject of the Notice even after it was served. Therefore, I find no unreasonable behaviour from the Council in terms of not liaising with the developer.

7. The applicant was not forced to appeal against the Notice as suggested as they had the option of complying with its requirements. My appeal decision explains the reasons why the Notice should be quashed and why planning permission should be granted for the development. However, in reaching my decision I have relied on a Transport Statement from the appellant as well as the version of the National Planning Policy Framework published in August 2026. These were not before the Council as considerations at the time the Notice was served and so, in these respects, it was not unreasonable for the Council to have issued the Notice.

8. Therefore, I find no evidence of unreasonable behaviour as described in the PPG that has resulted in unnecessary or wasted expense. Accordingly, I conclude that an award of costs is not justified.

Jonathan Edwards

INSPECTOR