



Costs Decision

Site visit made on 30 May 2023

by **Helen Davies MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref: APP/B1605/W/23/3315958

St Edmunds, Sandy Lane Road, Cheltenham, Gloucestershire GL53 9DA

- 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 James Sword for a full award of costs against Cheltenham Borough Council.
 - The appeal was against the refusal of planning permission for a development described as 'conversion and extension of an existing coach house to a single dwelling with new access onto Sandy Lane Road'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The PPG states that examples of unreasonable behaviour by the Council include failure to substantiate reasons for refusal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and acting contrary to national or local policy.
3. The applicant states that the appeal was unnecessary as the proposal complies with the development plan. Further they state that any disadvantages of the proposal would not significantly and demonstrably outweigh the benefits so permission should have been granted. Therefore, the applicant believes the Council acted unreasonably in refusing the application.
4. The reasons¹ for refusal set out in the decision notice are sufficiently complete, precise, specific, and relevant to the application. The decision notice also clearly states the policies of the Cheltenham Plan (2020) and Joint Core Strategy (2017) that the proposal would be in conflict with. The reasons were adequately substantiated by the Council in its Officer Report, which considered the context. The report set out how, in the Council's view, the proposal would result in harm to character and appearance as well as not providing suitably private outside amenity space. The officer report also gave appropriate consideration to the National Planning Policy Framework, including the balance required by paragraph 11d, in light of the area lacking a 5 year housing land supply.

¹ Although numbered as 1, the Council reason for refusal actually covers 2 distinct reasons.

5. The application decision is one which is a matter of judgement. It can be seen from my appeal decision that I agreed with the Council that there were sufficient grounds for refusing planning permission. I also found that local and national policy had been applied in an appropriate way.
6. Consequently, I am satisfied that the Council has shown that it undertook an appropriate assessment of the matters and was able to substantiate the reasons for refusal, in accordance with policy. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Helen Davies

INSPECTOR