



Department for
Communities and
Local Government

Mr Joe Murphy
RPS Planning & Development
RPS Group, Highfield House
5 Ridgeway
Quinton Business Park
Quinton
Birmingham
B23 1AF

Our Ref: APP/B1605/W/14/3001717

Your Ref: JBB7795

5 May 2016

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 & 320
LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
APPEAL BOVIS HOMES LIMITED AND MILLER HOMES LIMITED
LAND AT KIDNAPPERS LANE LECKHAMPTON, CHELTENHAM
APPLICATION FOR A FULL AWARD OF COSTS**

Dear Sir

1. I am directed by the Secretary of State to refer to his decision letter of 5 May 2016 on the above named appeal.
2. This letter deals with your application for a full award of costs against Cheltenham Borough Council (the Council) in respect of appeal reference APP/B1605/W/14/3001717. The application as submitted and the Council's response are recorded in the Inspector's costs report (CR), a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's costs report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.
4. The Inspector's conclusions are set out at paragraphs 17-23 of his report. He recommended that your application for a full award of costs be refused (CR24).
5. Having considered all the available evidence, the Secretary of State agrees with the Inspector's conclusions in his costs report and accepts his recommendation. The Secretary of State concludes overall that unreasonable behaviour resulting in

unnecessary expense, as described in guidance, has not been demonstrated and he therefore concludes that an award of costs is not justified.

6. Accordingly, the Secretary of State has decided that the application for an award of costs be refused.

Right to challenge the decision

7. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the high court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the date of the Costs decision.
8. A copy of this letter has been sent to Cheltenham Borough Council.

Yours faithfully

Julian Pitt

Authorised by the Secretary of State to sign in that behalf