
Costs Decision

Site visit made on 26 October 2016

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2016

Costs application in relation to Appeal Ref: APP/P0019/W/16/3152936 1 Hill Close, Emerson Green, Bristol BS16 7HH

- 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 & Mrs G Davies for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for the erection of 3 no attached dwellings with new access and associated works.
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Decision

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

Reasons

2. The National 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 or wasted expense in the appeal process.
3. Planning Practice Guidance also advises that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellants contend that the reasons for refusal were unsupported by any objective evidence and that the Council did not apply the correct procedure outlined in the National Planning Policy Framework (the Framework) for situations when a 5 year housing land supply cannot be demonstrated. In this respect, a cost decision¹ is referenced to highlight the importance of correctly applying the Framework's requirements. The appellants consider that the above comprise unreasonable behaviour that have resulted in unnecessary and wasted expense in having to submit the appeal.
5. Unlike the highlighted cost decision, the Council refer to the significant and demonstrable adverse impact and the 5 year housing land supply situation in the decision notice. Members would have been aware of the balancing exercise required based on the Committee Report, and this is demonstrated in the Council's subsequent Statement of Case. Whilst I have reached a different conclusion on the acceptability of the appeal, the Council's Statement of Case

¹ APP/Z3825/A/14/2224668

adequately reasons its concerns, weighs them against the proposal's contribution to housing supply and concludes the proposal does not comprise sustainable development. In addition, the Council acknowledge that Policy PSP 43 of the emerging Policy Sites and Places Plan can be afforded limited weight only, and in relation to Local Plan Core Strategy Policy CS1, identify that its objective of good design is a requirement of the Framework.

6. Therefore, I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case. For this reason, and having regard to all matters raised, an award for costs is not justified.

B Bowker

INSPECTOR