

Costs Decision

Site visit made on 7 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 20 February 2017

Costs application in relation to Appeal Ref: APP/F0114/D/16/3164278 Greenbanks, Breach Hill Lane, Chew Stoke, Bristol BS40 8YA

- 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 David & Kellie Jones for a full award of costs against Bath & North East Somerset Council.
 - The appeal was against the refusal of planning permission for the replacement of a single storey porch and WC with a 2-storey wing containing a WC, staircase and study, and replacement of garage and terrace with double garage and a bedroom.
-

Decision

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

Reasons

2. The *Planning Practice Guidance* 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. Turning first to the substantive concerns, the Applicants contended that the Council had failed to take account of the arguments in their *Design and Access Statement* or local case history. They also said the Council had not determined the application on its merits and it had interpreted the volumetric figure in the Supplementary Planning Document *Existing Dwellings in the Green Belt* (SPD) as a strict limit.
 4. However, to my mind the Council's submissions were focussed on the scheme before me. Given their nature, I have no basis to consider that any points in the *Design and Access Statement* that were not directly addressed in those submissions would have had a material bearing on the Council's findings. Furthermore, as the development should be considered on its merits the weight given to local case history must be limited. Finally, in relation to the volumetric figure of a third, the Applicants' arguments in this regard have placed weight on the Council's refusal to accept even reduced schemes on the site. However those other schemes and the Council's attitude towards them are not before me, but what is now proposed substantially exceeds the guideline in the SPD as it is 100% greater. When considering this specific development I therefore have no evidence to show the Council viewed the guideline as an unduly strict limit.
 5. With regard to the procedural matters, the Applicants said that the Council failed to give feedback on the scheme until after the target date had passed and it took a week to issue the decision. However, even if those actions were unreasonable it has not been shown they were matters that incurred expense
-

in the appeal process. Similarly, while the manager (who was instrumental in the determination of the application) did not visit the site that is not necessarily inappropriate if the decision is nonetheless reasonable and substantiated.

Conclusions

6. Accordingly I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

J P Sargent

INSPECTOR