
Costs Decision

Site visit made on 5 July 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 03 August 2017

Costs application in relation to Appeal Ref: APP/Z0116/W/17/3171206 Garages at rear of 62-80 Capgrave Crescent, Brislington, Bristol BS4 4TW

- 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 Veitch (Tramm Ltd) for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for the demolition of existing 16 No. residential garages and construction of 3 No. three bedroom dormer bungalows.
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Decision

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

Reasons

2. The Government's 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.
3. The applicant has brought this case on procedural grounds alleging that during the planning application process the Council did not work proactively or in a timely manner to achieve a 'positive planning outcome', for a scheme that the applicant considers to comprise sustainable development.
4. I am mindful of paragraphs 186 and 187 of the National Planning Policy Framework (the Framework) in my assessment of this application; and in particular that "Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development..." and "should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible".
5. I note from the Officer Report that an extended period for determination was negotiated between the applicant and the Council, and that this allowed time for amended plans to be submitted, which included a revised layout for the scheme in an attempt to address concerns regarding its highway safety effects. I have also been supplied with copies of e-mail exchanges between the Council and the applicant in respect of these amendments. Taking these matters together, I consider that this clearly demonstrates a proactive approach by the Council and an attempt to look for solutions rather than problems in relation to the scheme. I also consider due to the amendments and consequent negotiations that the Council's timeliness in making a decision on the scheme

was reasonable. As a consequence, I find that the Council did not behave unreasonably in these regards.

6. In the Council's view the revisions to the proposed layout did not overcome its highway safety objections to the scheme, and due to the consequent re-positioning of one of the proposed plots also gave rise to residential amenity concerns. For the clearly expressed reasons on its decision notice, the Council considered that the proposed development would cause harmful effects to the residential amenity of its future occupants and those of the occupiers of adjacent properties, and in terms of the highway safety impacts of the scheme. Given the harm that it identified in these regards, I have no substantive evidence before me to suggest that the Council considered the proposed development to comprise sustainable development for the purposes of the Framework. Moreover, as the weights attached to the relevant material considerations in a planning balance are always a matter for the decision-taker, I again find no unreasonable behaviour on the part of the Council in this respect.
7. Consequently, for the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, this application for costs fails.

G J Fort

INSPECTOR