
Costs Decision

Site visit made on 31 October 2017

by Rory MacLeod BA MRTPI

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

Decision date: 15th December 2017

Costs application in relation to Appeal Ref: APP/Z0116/W/17/3179788 116 Repton Road, Bristol BS4 3LZ

- 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 Garry Coomer for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for the erection of a two bedroom two storey dwelling attached to 116 Repton Road, Bristol.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 appellant asserts that the Council has not presented evidence to support its case and has relied on a reason for refusal which does not stand up to scrutiny thereby adding to development costs through avoidable delay. There is particular criticism of the delegated report's narrow approach to the planning merits of the case and the Council's failure to submit an appeal statement to defend its decision.
4. The delegated report includes the phrase "...the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance", but does not list or analyse all policies relevant to the case. The delegated reports on two previous applications for a dwelling at the site presented a fuller analysis of relevant issues including the need for additional housing and the contribution that the proposal would make to that need. The Council claim that the report on the appeal proposal centred on whether the previous reason for refusal has been addressed and that it was not considered necessary to reconsider all issues. Nonetheless, when considered in isolation, the delegated report gives the impression of not addressing the wider planning balance. Furthermore, the absence of an appeal statement to assess the proposal in that balance reinforces the impression that the assessment of the proposal has not benefitted from the full rigour that is warranted.
5. However, the report does highlight the changes from the previous proposal and provides analysis on the impact on living conditions for future occupiers of the

host building from these revisions. The analysis does provide evidence to substantiate the reason for refusal that amounts to more than vague, generalised or inaccurate assertions about the proposal's impact. It will be evident from my decision on the main appeal that I also concur with the Council's findings on this point.

6. The perceived shortcomings of the Council's delegated report and its failure to produce an appeal statement to defend its decision to refuse permission are unfortunate but do not amount to unreasonable behaviour. I do not consider that the Council has failed to properly evaluate the proposal. Moreover, the need for the appellant to submit an appeal to challenge the decision does not amount to unnecessary or wasted expenditure arising from unreasonable behaviour. The appeal could not have been avoided.
7. My findings are that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Rory MacLeod

INSPECTOR