



Costs Decision

Site visit made on 2 July 2019

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Costs application in relation to Appeal Ref: APP/P0119/W/19/3226786 119 Meadow Way, Bradley Stoke, Bristol BS32 8BP

- 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 P Wakefield for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of an application for planning permission for the erection of shared garaging with a flat above.
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Decision

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

Submissions by the parties

2. The appellant's application for a full award of costs was contained within the written Grounds of Appeal statement. The Council provided a written response to the application, to which the appellant made a further reply.

Reasons

3. The Government's Planning Practice Guidance ('PPG') on Appeals 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.
4. Paragraph 49 of the PPG lists examples of types of behaviour by a local planning authority that may give rise to a substantive award. These include preventing development which should clearly be permitted, and failure to produce evidence to substantiate each reason for refusal.
5. In this case, the appellant claims that the Council has acted unreasonably by making a misinformed and exaggerated assessment in principle of the planning application, without reference to the specific circumstances of the submission and subjectively influenced by the previous refusal on the site, thereby preventing the justified grant of permission. The proposal would accord with the relevant development plan policies and the Council's refusal is not substantiated by evidence.
6. In my decision on the appeal, I accept the Council's case that the proposal would appear as an incongruously large addition to the very modestly-sized host property, which would result in a cramped form of development. This is essentially a matter of planning judgement. I find no grounds to conclude that

the refusal was unduly influenced by the previous refusal. The Grounds of Appeal claim an inconsistency with the previous decision on this matter.

7. I also accept in the appeal decision that the proposed amenity space for future residents would not comply with the requirements of the development plan. The Council had misinterpreted the planning application owing to the lack of notation on the plans but confirmed its case for the appeal.
8. The Council's evidence for the appeal was brief, relying for the most part on the original officer report, but I accept that it adequately substantiated the concerns raised.
9. I conclude that the claim of unreasonable behaviour by the Council has not been borne out. The application for an award of costs must be refused.

Brendan Lyons

INSPECTOR