
Costs Decision

Site visit made on 6 August 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2019

Costs application in relation to Appeal Ref: APP/P0119/W/19/3228513 Huckford Lane Barns, Huckford Lane, Winterbourne, Bristol BS36 1AP

- 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 South Gloucestershire Council for a full award of costs against Mr Mick Paul.
 - The appeal was against the refusal of planning permission to demolish the existing barn and construct a new 3 bedroomed home.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is made by the Council on the substantive grounds that the appellant did not advance any planning reasons to contest the refusal of the application. Consequently, it is submitted that the Council was needlessly compelled to allocate resources in contesting the appeal.
4. It is the case that the appellant's statement of case focused heavily on the sequence of events during the planning application process, rather than addressing the planning merits of the reasons for refusal. In response to the Council's Statement of Case, however, the appellant submitted more substantive evidence and, whilst no new information should normally be advanced at that late stage, I concluded on balance that it reasonably related to the points raised in the Council's statement and did not raise any substantive new issues which had not previously been put in the public domain.
5. Turning to the substance of the case, a key plank of the appellant's case was that the principle of a residential development on the site had been established and the appeal proposal would introduce net planning benefits to that fallback position. Such benefits would, in the appellant's view, be sufficient to outweigh harm to the Green Belt.
6. This, to my mind, was an arguable position even though I did not agree that the scale of the benefits were sufficient, when taken to together with other harm, to amount to the very special circumstances required to justify inappropriate development in the Green Belt. The appellant also sought to draw

attention to apparent inconsistencies in the Council's decision-making by citing planning permissions which have apparently been granted on neighbouring land. Whilst I was not provided with sufficient information to enable me to make a detailed comparison of the circumstances, it was nonetheless relevant information, albeit a matter which attracted limited weight in the overall planning balance.

7. As a result, I consider it was not inevitable that the appeal would fail and it was therefore necessary. Consequently, I conclude that the appellant did not act unreasonably and the behaviour did not result in the Council incurring any unnecessary or wasted expense. For that reason, and having regard to all other matters raised, an award of costs is not justified.

Ian Bowen

INSPECTOR