



Costs Decision

Site visit made on 8 October 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Costs application in relation to Appeal Ref: APP/Z0116/W/19/3231898 1 Whytes Close, Westbury-on-Trym, Bristol BS9 3HU

- 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 Newham Land & Build Limited for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for the erection of 1 detached dwelling house.
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Decision

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

Reasons

2. The 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. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations.
4. The appellant states that the appeal was unnecessary as the proposal complies with the development plan, and the refusal was driven by representations made by third parties in respect of the character and appearance of the area.
5. The reason for refusal that is set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of Bristol City Council's Core Strategy and Site Allocations and Development Management Policies that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its Officer Report. The Officer Report demonstrates how the proposal would result harm the character and appearance of the area, which includes designated and non-designated heritage assets.
6. Whilst I acknowledge that issues of character and appearance can be subjective, I am satisfied that the Council has fully substantiated the reasons why it found the proposal unacceptable within the decision notice. Furthermore, although the appellant states that the refusal was driven by third party representations, I have been provided with no substantive evidence to support this claim.

7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
8. I therefore find that unreasonable behaviour resulting in unnecessary of wasted expense, as described in the PPG has not been demonstrated

S Shapland

INSPECTOR