



Costs Decision

Site visit made on 10 December 2019 by Scott Britnell MSc FdA

Decision by K Taylor BSC (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Costs application in relation to Appeal APP/Z0116/D/19/3238702

11 Reedley Road, Stoke Bishop, Bristol BS9 3SR

- 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 & Mrs Ingram for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for a double storey and single storey rear extension and single storey front and side extensions.
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Decision

1. The application for costs is dismissed.

Application Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. The Planning Practice Guidance 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. The appellants argue that the Council have demonstrated inconsistency in its decision making, in particular, in the way that it has applied the guidance within Supplementary Planning Document Number 2, A Guide for Designing House Alterations and Extensions (October 2005) (SPD2) with regards to other development.
5. I have reviewed the two examples of development referred to by the appellants in support of their argument. I also took the opportunity to view both of these sites at my visit. Only one, 1 Withey Close West, relates to a corner plot. Further, the appellants have provided a copy of the Council's report only in relation to this case. It is clear, from reading this, that that decision was made in respect of the site specific context, which justified the relaxation of the guidance contained within SPD2 in that case. In any event, the appellants indicate that they are concerned with the Council's application of SPD2 with regards to the issue of set-back in both developments, which is not the substantive reason for refusal in this case. In addition, I have not been provided with full details of the other development referred to by the appellants (39 Great Bockeridge), and so cannot consider that matter further.

6. I also find the Council's refusal of the appeal proposal to be clearly set out in respect of SPD2, taking account of the specific context of the site, and I am satisfied that the Council have provided a cogent explanation of their decision making. Further, the aforementioned examples are not directly comparable to the appeal proposal. Consequently, I conclude that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Conclusion and Recommendation

7. For the reasons given above, I recommend that the application for costs should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is dismissed.

K Taylor

INSPECTOR