
Costs Decision

Site visit made on 3 December 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2020

Costs application in relation to Appeal Ref: APP/Z0116/W/19/3236764 22 Devonshire Road, Bristol BS6 7NJ

- 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 Dr Philip Harfield for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for conversion of an existing HMO back to a single dwelling house plus a gate and shed to the garden.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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 application for costs is based on firstly that if the matter is successfully appealed this reflects an incorrect assessment by the planning officer and in bringing about a new decision this has caused the applicant additional expense through the planning application due to the need to procure additional professional services with the redrawing of plans.
4. The proposal was a resubmission of a previously refused planning application at the property. The appellant states that repeatedly the Council identified the reasons for refusal amounted to issues of manoeuvrability and visibility, however they were not clear in their areas of concern. This led to the applicant expending additional sums of money to redraw plans in an attempt to overcome the concerns. I do not have any evidence before me to substantiate that the Council were vague in their requests for amendments or indeed failed to indicate their areas of concern and how the proposal should be amended. However, it is clear from the email trail that the revised plans did not overcome the Council's concern and the Council's email of 17 July 2019 to the applicant indicated the amendments that they considered necessary in order to secure a positive resolution, prior to the refusal notice being issued.
5. The Council has assessed the application based on the amended plans and the officer report clearly identifies the areas of concern and the subsequent reasons for refusal supports the Council's case. The Council has in their statutory duty assessed the application in line with the adopted development plan and has

found conflict with it. This is not an unreasonable position to take and thus I do not find any unreasonable behaviour on the Council's part. It is clear from my decision on the appeal that I agree with the Council on certain matters.

6. I acknowledge the applicants frustration that the reason for refusal included the incorrect address relating to the neighbouring occupier, however it is clear to me and would have been to the applicant given the previous refusal, discussion on the application and including the submitted email trail that the Council's concerns were with regard to the impact on the users of the neighbouring garage (No 20).
7. Consequently, whilst I acknowledge the dissatisfaction of the applicant that the application has been refused, I do not find the Council has behaved unreasonably in the procedure leading up to the appeal which has caused the applicant any wasted or unnecessary expense during the appeal process.

Conclusion

8. Given my findings above, the application does not succeed.

Stephen Thomas

INSPECTOR