



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: 15 May 2020

Costs application in relation to Appeal Ref: APP/Z0116/W/19/3238339 22 Gilda Parade, Bristol BS14 9HY

- 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 T Harris for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for an outline application for proposed block of two flats.
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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. Unreasonable behaviour can either be procedural, relating to the process of an appeal or substantive, relating to the merits of any issues arising from an appeal.
3. The application for costs was made by the applicant with reference to a refusal to grant outline planning permission for two flats. The applicant believes that the Council acted unreasonably because the principle of development had already been established and it failed to discuss its concerns prior to issuing a decision. Taken together these perceived failings risk an award of costs on substantive grounds.
4. I note that the Council assessed the application based on the layout plan that was submitted and that the officer's report clearly identifies the areas of concern. These concerns are reflected in the reasons for refusal which the Council substantiated at appeal. I am therefore satisfied that the Council has assessed the application in line with the adopted development plan and has consequently refused it on legitimate planning grounds. This is not an unreasonable position to take.
5. Further, the applicant during the course of the application stated that the layout is the only position where the development can be accommodated. Thus, the Council has clarified that there was limited scope within which to provide further detail that they consider likely to meaningfully alter their assessment of the application. Under such circumstances I agree that there

would have been little point in seeking further detail given the nature of the proposal and the impacts, as set out in my appeal decision.

6. Consequently, whilst I acknowledge the frustration of the applicant that the application has been refused, I do not find the Council has behaved unreasonably and caused the applicant any unnecessary or wasted expense during the appeal process.

Conclusion

7. Given the above, I am satisfied that the Council acted reasonably in all respects. As such, the appeal could not have been avoided and no unnecessary or wasted expense was consequently incurred. For this reason and having regard to all other matters raised, an award of costs is therefore not justified.

S Thomas

INSPECTOR