
Costs Decision

Site visit made on 9 June 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Costs application in relation to Appeal Ref: APP/P0119/D/20/3250369 Stoneford, Camp Road, Oldbury On Severn BS35 1PR

- 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 Oliver Ward for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for the erection of rear extension and loft conversion.
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Decision

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

Reasons

2. 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.
3. The application for costs relies on substantive matters relating to the planning merits of the appeal. The appellant cites that the Council has failed to substantiate and adequately justify its reasons for refusal. It is further contended that vague assertions have been made about the impact of the proposal, that no consideration has been given to that the rear of the site is screened and that the Council has been inconsistent in decision making.
4. However, I find that the Council's Delegated Report satisfactorily supports the reasons for refusing the planning application. The report outlines the policy context within which the scheme was being considered and outlines the elements of the proposal that are considered to be unacceptable, as well as the justifications for these judgements. The report specifically identifies that there is a range of different building forms in the locality, clearly acknowledging the variation present in the area. There is a clear accounting of the impact that it is considered that the proposal would have and that it would not be acceptable; this is a view with which I concur. Furthermore, notwithstanding the appellant pointing out that the rear of the site is not visible from any public vantage points, I have found that there would be views of the side elevations of the extended property and, as such, the extension would indeed be visible.
5. Whilst examples of other extensions to properties have been provided, including the use of flat roofs, I have found that the circumstances of each of these is different from the appeal scheme that is before me. As such, I am satisfied that the Council has not been inconsistent in its decision making in

this regard. Given that I have also found that the proposal would not be acceptable, the Council has not delayed a development that should have been permitted.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin Allen

INSPECTOR