



Costs Decision

Site visit made on 26 May 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2020

Costs application in relation to Appeal Ref: APP/Z0116/D/19/3243898 74 The Crescent, Henleaze, Bristol BS9 4RR

- 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 Ruzsala for a partial award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for demolition of existing single garage and utility room. Erection of larger garage with accommodation over along with extension to the side and rear.
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Decision

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

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 costs application.

Reasons for the Recommendation

3. 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. The applicants' concerns relate to the Council's behaviour during the planning application stage as opposed to the appeal. However, the PPG makes it clear that behaviour at the application stage can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. The applicants submitted multiple revisions of the proposal, in an attempt to meet the Council's concerns, which the Council provided detailed comments on in each case. I acknowledge that the Council did not state exactly what was required in order to gain approval, but it is not the role of the Council to design a proposal for an applicant. Moreover, I acknowledge that some of the wording used by the Council may have appeared contradictory to the applicants, but the Council has indicated that its comments were made afresh on each proposal they looked at.
5. The dialogue between the Council and the applicants appears to me to be entirely reasonable and supports the Government's objectives of engagement between the parties during the planning process. Whilst the planning application was not determined within the timeframe given by the Council, it

appears that the delay in determining it was in part due to the dialogue between the parties.

6. I note that the Council were contacted directly by a neighbouring resident. It was not unreasonable of the Council to provide the neighbour with a copy of the application plans and the SPD. I note the applicants' concern that they were unaware of this exchange in correspondence, but this is a matter that they should take up directly with the Council.
7. The second site visit was merely to view the proposal from the public realm. The presence of the applicants or their Agent was not required.

Conclusion and Recommendation

8. Whilst I note the applicants' frustrations of the planning application process, I am satisfied that the Council acted in a reasonable manner. The applicants' costs associated with the appeal were therefore necessary and not wasted. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
9. I recommend that the application for an award of costs is refused.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

RC Kirby

INSPECTOR