
Costs Decision

Site visit made on 25 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Costs application in relation to Appeal Ref: APP/F0114/W/20/3246800 Police Station, Bath Hill, Keynsham BS31 1HJ

- 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 Hawkfield Homes Ltd for a full award of costs against Bath & North East Somerset Council.
 - The appeal was against the refusal of planning permission for the erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The application for costs relates to the fact that the Council Officer's recommended that planning permission be granted for the proposal, but that Council Members took a different course of action, which is alleged to have been taken without adequate reasons to do so.
5. While Council Members are not duty bound to follow the advice of their professional officers, if a different decision is reached, the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. In refusing the application, Council Members considered that the proposed development would give rise to unacceptable impact upon the living conditions of nearby residents and that the proposed development failed to make an adequate provision for on-site parking.
6. The evidence base for the Council Members' decision in relation to the effect upon living conditions, was based on a number of local objections, information supplied from surrounding residents and local knowledge. In terms of the level of provision of car parking, whilst there was no objection raised by the local

highway authority, due to the location of the site, it took the view that, whilst the proposal did not comply with Policy ST7 of the Bath and North East Somerset Placemaking Plan, there were justified grounds for a relaxation of the standards. Members however took a different view, concluding that the requirement of the Policy should apply in full in this location.

7. On this basis, the Planning Committee were entitled to take the view that, at the point they were assessing the application, there was sufficient evidence before them to indicate that they could reasonably reach a different decision to that being recommended to them by their officers. It therefore follows that I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal, albeit that I have come to a different conclusion.
8. I also note the claimant's reference to the fact that Members could have deferred the application to allow for a site visit to take place to enable them to further appraise the site. Again, whilst this was an option available to them, there was no requirement for Members to follow this route.
9. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Adrian Hunter

INSPECTOR