The Planning Inspectorate

Costs Decision

Site visit made on 12 October 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Costs application in relation to Appeal Ref: APP/Z0116/W/20/3255138
50 Church Leaze, Shirehampton, Bristol, BS11 9SZ

- 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 GBuild Ltd for a full award of costs against Bristol City Council.
- The appeal was against the refusal of planning permission for erection of one dwelling, parking and ancillary development.

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 appellant submits that the Council acted unreasonably and therefore caused the appellant to incur unnecessary expense. The reasons given are that the Council has put too much reliance on the status of the area as a non-designated or potential designated heritage asset, and failed to assess the proposal correctly.

4. The Council clearly justified approaching the Garden Suburb as a non-designated heritage asset from the outset, and it was transparent regarding its intention to publicly consult on inclusion of the suburb within the Shirehampton Conservation Area (CA). This has been borne out by registration of the site on the Local List in June 2020 and the on-going public consultation regarding the CA. The reason for refusal does not reference the CA, which is appropriate given that public consultation is not complete. However, given the circumstances of the case I consider that it was proper that potential harm to the non-designated heritage asset was a matter of considerable weight.

5. The information provided in relation to the Garden Suburb is not adopted policy or formal guidance. However, it is appropriate that all available information is drawn upon when assessing the significance of a heritage asset. In any event, even if the area had not been included on the Local List in June 2020, this information would have been of value in assessing the distinctive character and appearance of the area. I therefore do not find that the Council behaved unreasonably in affording these documents weight.

6. Regarding the second reason, I do not find that the Council assessed the proposal inconsistently. For the reasons set out in the appeal decision, I do not consider it inconsistent to emphasise the importance of preserving the symmetry of the distinctive front elevation, whilst allowing more flexibility regarding development to the rear.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award for costs is not justified.

B Davies

INSPECTOR