

Costs Decision

Site visit made on 1 December 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Costs application in relation to Appeal Ref: APP/P0119/W/20/3257774 Land off Abson Road, Abson Road, Pucklechurch, South Gloucester BS16 9RH

- 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 Adrian Sykes, Skye Property Group Limited for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for development described as "an executive quality development of Self-Build Residential Dwellings with the requisite number of Affordable Self-Builds".
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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 procedural matters in the way in which the Council considered the planning application. The applicant contends that the Council has not worked with him in a positive and proactive manner, as well as that the inclusion of the reason for refusal in respect of the location within the Green Belt, is unreasonable.
4. In this respect, I am conscious that the Council within the Delegated Report set out a clear objection to the development on the matter of the principle of development, stemming from both the locational strategy of the development plan, as well as the location of the site within the Green Belt. The Delegated Report also sets out that there would be benefits arising from the proposal, but that these did not outweigh the totality of the harm.
5. In such circumstances, I am not convinced that further negotiations with the applicant would have resolved the contested matters. As such, there is no evidence that convinces me that the Council could have been more positive or proactive in its consideration or determination of the planning application, given the clear conflict with policy.
6. In respect of the matter of the location within the Green Belt, the Council considered the proposal to be inappropriate development in the Green Belt; when making my decision I have also found this to be the case. Accordingly, there is nothing unreasonable in the Council including this as a reason for refusal. In addition, there is nothing before me which convinces me that the Council was unreasonable in its refusal of the planning application.

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Mr Martin Allen

INSPECTOR