The Planning Inspectorate

Costs Decision

Site visit made on 23 February 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Costs application in relation to Appeal Ref: APP/Z0116/W/20/3263935
7 Belvedere Road, Westbury Park, Bristol BS6 7JG

- 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 Baryah on behalf of Meadowcare Homes for a full award of costs against Bristol City Council.
- The appeal was against the refusal of planning permission for change of use from 3 x flats to a 17 x bed extension to the nursing home at 8-9 Belvedere Road.

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 applicant notes that there were no objections from consultees and the case officer recommended approval subject to conditions. The application was delayed for determination and then refused despite the transport survey showing it was acceptable. The committee minutes do not justify the overturning of the officer recommendation.

4. The Council have provided the minutes of the meeting. The Council respond to the above stating that Members made their decision on the entirety of the information provided on the parking and question the methodology of the appellant's survey. The Committee considered the other impacts, planning policy and noted comments from residents.

5. In the main decision, I found that parking is at a premium, which is currently causing significant hazards for all users of the highway. Consequently, it was appropriate that the Council were wary of the various implications of the proposal.

6. The various impacts on the area were matters of judgement and not matters of precise science, rather they required assessment of the proposal in relation to the site and surroundings. Similarly, policy tests were open to interpretation.

7. The committee minutes only amount to an overview. Nonetheless, they show that the Council debated the material considerations and the relevant policies.

8. The planning committee made a decision based on the characteristics of the site and the proposal. They applied the criteria in the Development Plan policies and came to a view. Consequently, I conclude that the Committee were entitled to come to their view and applied the appropriate policies.

Conclusion

9. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR