
Costs Decision

Site visit made on 31 March 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Costs application in relation to Appeal Ref: APP/Z0116/W/20/3259749 12 Lodge Causeway, BRISTOL, BS16 3HY

- 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 Kasa Real Estate Ltd for a partial award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for the change of Use from existing family dwellinghouse (C3) to a House of Multiple Occupation (HMO) with 8 bed-spaces (sui generis), incorporating a single-storey rear extension and all associated works.
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Decision

1. The application for costs is refused.

Reasons

2. 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 PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant has stated that the Council not submitting a Statement of Case is unreasonable behaviour. However, in determining the appeal I have before me the Planning Officer's Report which contains detailed evidence as to why planning permission was refused. Recommended conditions, relevant policies and a filled in questionnaire were also submitted. It is for the Council to decide whether they also wish to submit a Statement of Case. In this case they did not, but there was sufficient evidence before me to explain their reasoning and why they determined the proposal was contrary to policy. As such, I do not consider the Council acted unreasonably in this regard. Furthermore, it is for the appellant to decide whether they wish to employ consultants to promote their case, based primarily on the Council reasons for refusal.
4. The Council has made reference to their Supplementary Planning Document, but they have concluded against adopted policy, which is reasonable.

5. Therefore, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

S Rennie

INSPECTOR