



Costs Decision

Site Visit made on 20 July 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Costs application in relation to Appeal Ref: APP/F0114/W/21/3272644 24 Broadway, Widcombe, Bath BA2 4JA

- The appeal is made under section 78 of 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 Nathan Thevathasan for a full award of costs against Bath and North East Somerset Council.
 - The appeal was against the refusal of the Council to grant planning permission for the change of use from a three bed dwelling house (C3) to a five bed House in Multiple Occupation (C4).
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The application for costs relies to a substantial extent on how the Council reached its decision that the development should be refused.
3. Whilst I appreciate the outcome of the application will have been a disappointment, the Council were not unreasonable in coming to that decision from the information they had available to them. The concerns raised in the reason for refusal regarding the mix of housing in the area are apparent in the Committee Minutes which adequately sets out how the proposal, in the Council's opinion, would conflict with relevant adopted planning policies. The Committee's consideration of the scheme was informed by a detailed officer report. Accordingly, I am satisfied that the Council's reasoning was credible and it was entitled to reach the decision it did. The fact that I found differently does not discredit the Council's case.
4. I find nothing to suggest that a decision was reached other than on the basis of the merits of the proposal, as submitted by the applicant. I also find no evidence that the applicant incurred any additional expense as a result of this.
5. Accordingly, I do not find that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

6. 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, an award for costs is therefore not justified.

Tamsin Law

INSPECTOR