



Costs Decision

Site visit made on 14 July 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Costs application in relation to Appeal Ref: APP/P0119/C/20/3262533 Land Adjacent to Baugh Farm, Fouracre Crescent, Downend, Bristol

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by South Gloucestershire Council for a full or partial award of costs against Ms Daveene McCallion.
 - The appeal was against an enforcement notice alleging *a change of use of agricultural land to a mixed use and the creation of hardstanding to facilitate the use by the importation and the laying of crushed stone/gravel.*
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Decision

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

Reasons

2. The Planning Practice Guidance advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The basis of the Council claim for costs is that the appeals under grounds (b), (c) and (f), which it says form the majority of the appeal, had no reasonable prospect of success, and that this consequently amounts to substantive unreasonableness on the part of the appellant. The Council says that even if the appeal under ground (g) was considered to be of some merit and so reasonably brought, a partial award of costs is sought in relation to the unnecessary expense incurred in responding to the first three grounds of appeal.
4. In response, the appellant argues that their grounds of appeal are reasonable in response to the evidence of the allegations submitted and their acceptance of certain matters. Furthermore, the appellant considered it reasonable to argue against the specific mixed use alleged in the notice because they maintained that what was alleged, was not in fact taking place. In these circumstances, the appellant considered they had no choice but to appeal the notice.
5. From the correspondence before me, the appellant sought clarification from the Council to overcome some of the matters that were of concern. It also seems to me that the appellant maintained a misunderstanding concerning the requirements of the notice and some of the Council's reasons for issuing the notice. Although I have found that the notice and most of the evidence clearly

define the allegation, the appellant had a statutory right to appeal against the issuing of the notice and accordingly I consider they have not exercised their right to appeal unreasonably.

6. The Council will note in my decision letter that I have covered key arguments brought forward by the appellant, particularly under ground (b). This indicates to me that the appellant rightly felt that they had a reasonable chance, even though that success may be relatively limited.
7. I am not satisfied, having regard to the facts and circumstances, that there was unreasonable behaviour on the part of the appellant that led the Council to incur unnecessary or wasted expense in connection with the appeal against the enforcement notice on any of the grounds. I conclude accordingly that an award of costs, either partial or in full, is not justified and the costs application should not succeed.

S A Hanson

INSPECTOR