
Costs Decisions

Site visit made on 19 October 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Costs application A in relation to Appeal Ref: APP/Z0116/W/21/3272684 Garden Flat, 15 Aberdeen Road, Bristol, BS6 6HT

- 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 Simon Flynn for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for single storey rear extension and garden landscaping.
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Costs application B in relation to Appeal Ref: APP/Z0116/Y/21/3272686 Garden Flat, 15 Aberdeen Road, Bristol, BS6 6HT

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Simon Flynn for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of listed building consent for rear extension, garden landscaping, minor structural works.
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Decision – Application A

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

Decision – Application B

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

Preliminary Matters

3. The applications have been submitted on the same grounds for both appeals. The appeals relate to the same proposal under different legislation. I have dealt with both applications together in my reasoning.

Reasons

4. The Planning Practice Guidance¹ (PPG) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense.
5. The applicant's claims relate to the Council's behaviour before the appeals were made. Matters raised relate to pre-application advice, changes in staff, the length of time taken between the applicant's initial engagement and the

¹ Planning Practice Guidance Paragraph 030 Reference ID: 16-030-20140306

Council's decisions, the Council's unwillingness to accept amended plans, its weighing of harm against public benefits and its subsequent grant of permission for an alternative scheme which the appellant considers to contradict the Council's position.

6. No part of the costs applications relate specifically to the appeal process. Paragraph 033 of the PPG² advises that costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage, although the behaviour and actions at the time of the planning application can be taken into account.
7. Although I have allowed the appeals, I am satisfied that the Council's decisions were supported by an objective analysis of the proposal, set out in the Council's officer reports, that was summarised sufficiently in its refusal reasons. Despite the concerns the applicant has about how the Council handled the applications, there is no evidence before me to suggest that the Council did not make its decisions on the basis of the merits of the proposal, and it was entirely appropriate upon finding harm to carry out a balancing exercise in accordance with paragraph 202 of the National Planning Policy Framework.
8. It is not clear how the council's subsequent approval of an alternative scheme could be considered to contradict its position, when that alternative scheme is very different to the proposal subject of this appeal.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Tucker

INSPECTOR

² Planning Practice Guidance Paragraph 033 Reference ID: 16-033-20140306