



Costs Decision

Site visit made on 17 November 2021

by Cullum J A Parker BA(Hons) MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Costs application in relation to Appeal Ref: APP/Z0116/Z/21/3283322 Tower House, Fairfax Street, City Centre, Bristol, BS1 3BN

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Oval Properties 1101 Limited for a full award of costs against Bristol City Council.
 - The appeal was against 'high level signage'.
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Decision

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

Reasons

2. The national Planning Practice Guidance sets out that costs should only be awarded where a party has behaved unreasonably and this behaviour has led to unnecessary or wasted expense in the appeal process.
3. The Applicant sets out three grounds for their costs application. Put simply these are:
 - (a) Ground 1; the Council was unwilling to accept and take into account the heritage statement.
 - (b) Ground 2; insufficient consideration of the earlier appeal decision (ref 3268059) and the difference arising from the omission of illumination.
 - (c) Ground 3; the Council acted unreasonably by not entering into pre-application discussions with the Applicant.
4. The heritage statement is dated September 2021 after the application was determined in July 2021. Whilst it is useful for this information to have been set out in this manner, the National Planning Policy Framework at Paragraph 194 does not set out a requirement for a heritage statement to be submitted. Rather that the applicant 'describes the significance of the heritage assets affected'. It is clear from the application letter (dated 14 April 2021) that the Applicant was aware the site was located within a conservation area and that the Council did not consider any further information was required from the Applicant to describe the significance of this heritage asset. I am reinforced in this view by the lack of this matter as a reason for refusal.
5. As such, I do not find that the Council acted unreasonably in not 'accepting' a document that was submitted at the appeal stage.

6. With regard to the second ground, it is clear from the application made to the Council that that revised scheme sought to address concerns over the earlier scheme. Primarily this was to be achieved through removing the illumination aspects of the sign. Beyond provision of the appeal reference number within the Officer's Report, there is no articulation as to the relevance of this appeal decision to this scheme. Moreover, as detailed within the Applicant's appeal paperwork, there are a number of high level signs within and outside of the Conservation Area, contributing to the visual amenity of the area.
7. A greater level of analysis and explanation as to what effect, if any, the difference between illumination or not had on the Applicant's proposal would have been of benefit to all parties concerned. As it stands, all that one can deduce is that the Council has an 'in-principle' objection to the use of high level signs in this particular location. That said, the Council did explain within its Officer Report that its concerns relate to the contrasting colour of the lettering being white against its background.
8. In this respect, it is not unreasonable for the Council to have refused consent and did provide an adequate reason for doing so; albeit it may have benefitted from a more detailed analysis of the reasons why the revised scheme did not overcome the earlier dismissed decision.
9. With regard to the third ground, the Council did provide some written advice following an enquiry made in August 2021 (dated 15 September 2021). This sets out the Council's view that *'it is our view that any high level signage on this building would not be acceptable'*. It is unclear as to how this would have 'negated' the current appeal as suggested by the Applicant when the position's of the main parties are clear.
10. I do not find that the Council acted unreasonably as they did engage with the Applicant at the post-decision stage.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for costs is therefore refused.

Cullum Parker

INSPECTOR