
Costs Decision

Site visit made on 14 December 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

**Costs application in relation to Appeals Ref: APP/Z0116/W/21/3276744, APP/Z0116/W/21/3276747 and APP/Z0116/W/21/3276749
Bridge and Land to the North of South Liberty Lane, Ashton Vale, Bristol BS3 2TJ**

- 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 K and A Berkely for a full award of costs against Bristol City Council.
 - The appeal was against the refusal to grant consent, agreement or approval to details required by a condition of a planning permission relating to permission for demolition of existing bridge and construction of residential housing and flats (Use Class C3) with associated new access road, car parking, landscaping and ground works.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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.
3. PPG provides examples of unreasonable behaviour by local planning authorities. These include the failure to produce evidence to substantiate reasons for refusal and making vague, generalised or inaccurate assertions unsupported by objective analysis as well as preventing or delaying development that should have been permitted. Failing to accept officers' or statutory consultees' advice without good planning reasons and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable are also included. It also includes the withdrawal of any reason for refusal.
4. The Council refused all three submissions, largely due to concerns over the suitability of the site access and bridge removal. They have subsequently, and shortly before the proposed Hearing, commented that they do not challenge the case put forward by the appellants and would discharge all the conditions imposed by the Inspector in allowing the original appeal.
5. The Council have not justified why they have withdrawn the reasons for refusal at this late stage and why they now accept that there was sufficient detail contained in the original submissions. Had they reached this finding earlier, it would have avoided the need for the Hearing preparation. Moreover, had they

done so prior to their determination of the submissions it would have avoided the need for the appeals altogether.

6. The refusal of the application has led to a development which should have been permitted being delayed. The refusal of discharge of conditions submissions therefore constitutes unreasonable behaviour contrary to the basic guidance in the Framework and the PPG. As a result, the appellants have incurred costs relating to the preparation and submission of the appeals as well as those for works carried out during them.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bristol City Council shall pay to Mr K and A Berkely, the costs of the appeal proceedings described in the heading of this decision.
9. The applicant is now invited to submit to Bristol City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Stuart Willis

INSPECTOR