



Costs Decision

Site visit made on 4 January 2022

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

**Costs application in relation to Appeal Ref: APP/Z0116/W/21/3280726
29 Westover Road, Westbury, Bristol BS9 3LY**

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Neil Willis-Stovold for a full award of costs against Bristol City Council.
- The appeal was against the refusal of the Council to grant planning permission to erect a semi-detached dwelling.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG), advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. It adds that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably refusing a planning application. Examples of this include failure to produce evidence to substantiate each reason for refusal on appeal.
 3. The approach taken in the Council's appeal statement was to only address any issues raised by the appellant that were not already addressed by the Council's delegated report. As such, the Council's statement added nothing further about the first reason for refusal and only focused on matters relating to the second. The appellant considers the Council has therefore failed to substantiate both reasons for refusal with evidence. However, the delegated report is evidence in its own right that a Council may legitimately produce on appeal to substantiate its reasons for refusal. Moreover, the 15 page delegated report in this case was sufficiently detailed to substantiate both reasons for refusal.
 4. The appellant also considers the Council has failed to address or respond to the technical points of detail about highway matters that were raised in the appellant's appeal statement. However, the substantive part of the Council's appeal statement responded to this.
 5. Consequently, the two grounds upon which the appellant considers the Council acted unreasonably are without foundation and unreasonable behaviour, incurring unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated.
-

Conclusion

6. For the reasons given above and having had regard to all other matters raised, the application for an award of costs is refused.

C J Ford

INSPECTOR