The Planning Inspectorate

Costs Decision

Site visit made on 24 May 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Costs application in relation to Appeal Ref: APP/Z0116/W/22/3292875 Land to the rear of 382, 384 and 386 Southmead Road, Southmead, Bristol BS10 5LP

- 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 Helen Sims-Williams for a full award of costs against Bristol City Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for erection of dwelling.

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may 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. The applicant considers that the Council has been unreasonable in its failure to communicate properly with the applicant. Despite regular emails to the Council, no communication was provided between validation of the application and the making of the appeal.

4. Throughout this time, the application was not allocated to a case officer, nor the consultation process started. In contrast, an application at land to the rear of 374 Southmead Road was allocated and consulted upon, despite having been submitted much later. As a result of the unreasonable delay to the application, and the lack of communication, the applicant believes unnecessary expense has been incurred in drafting and submitting the appeal.

5. In response, the Council refers to its website, which alerts applicants to the delays in processing applications. However, they acknowledge that in this case they fell below the standard of service normally expected. They also recognise the inconsistency with the handling of the application at No 374, stating that chronological processing is not always achieved because of resource pressures.

6. The Council has not given any substantive reason for failing to reach a decision within the relevant time limit, or why permission could not have been granted, had the application been determined within the relevant period. Although I

understand the pressures on the Council's resources, better communication with the applicant would have enabled the appeal to be avoided altogether, given that the Council says it would have approved the application.

7. The circumstances set out in the PPG[1] in relation to the award of costs in respect of the handling of a planning application apply. Whilst I have dismissed the appeal, this relates solely to the absence of the Unilateral Undertaking regarding a parking bay. I have no evidence to suggest this was sought by the Council until the appeal was made, and had it been sought earlier the matter is likely to have been resolved without the need to appeal. Therefore, the applicant has incurred the unnecessary costs involved in making the appeal as a result of the Council's behaviour.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. Therefore, a full award of costs is justified.

Costs Order

9. 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 Helen Sims-Williams the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.

10. 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.

O Marigold

INSPECTOR

[1] Paragraph: 048 Reference ID: 16-048-20140306