
Costs Decision

Site visit made on 21 June 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 August 2022

**Costs application in relation to Appeal Ref: APP/P0119/W/22/3293471
206, Henfield Road, Coalpit Heath BS36 2UJ**

- 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 Elliot for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for Demolition of existing residential annexe, garage and storage shed and erection of 1no. dwelling with access, landscaping and associated works
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Decision

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

Reasons

2. 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.
3. It goes on to state 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 failing to produce evidence to substantiate each reason for refusal or by delaying development that should clearly be permitted; or in relation to procedural matters, such as by not co-operating with other parties.
4. The Council have set out that during the determination period they were under significant pressure because of the Covid-19 pandemic. Although the applicant states the lack of a site visit was unreasonable, advice at the time was for officers not to conduct site visits as a matter of health and safety. Nonetheless, officers considered that sufficient information was available to undertake a sufficient assessment through the submitted information, officer knowledge of the area and aerial imagery. This is not unreasonable.
5. Furthermore, it is accepted by the Council that the Arboricultural Impact Assessment was not filed or passed onto the case officer, but ultimately this would have not had resulted in a different decision being made. In any case, as the AIA was simply reissued as part of the appeal, and this reason for refusal was not contested by the Council at appeal stage, no wasted expense was incurred by the applicant.

6. It is regrettable that a request to extend the period for determination was not made by the Council and the application was determined outside of 26 weeks. However, as the appeal is dismissed, they did not delay a development that should have clearly been permitted. I acknowledge that the delay in the determination of the application, and the lack of communication and cooperation would have been frustrating. However, I cannot, on balance conclude that the Council have behaved unreasonably in this regard.
7. With respect to the request for drainage information, although I understand the position set out by the applicant, resolving fundamental matters such as drainage can avoid a further reason for refusal. This is common practise during a planning application, even if the application was subsequently refused. This is not unreasonable behaviour as it can lead to issues being narrowed and reduces any additional expense associated with any subsequent appeal.
8. 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 a full award of costs should, therefore, be refused.

M. P. Howell

INSPECTOR