



Costs Decision

Site Visit made on 19 July 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Costs application in relation to Appeal Ref: APP/P0119/W/22/3294471 28 Ferndale Road, Filton, BS7 0RP

- The appeal is made under section 78 of 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 Pam Edwards against the decision of South Gloucestershire Council.
 - The appeal was against a failure to give notice within the prescribed period of a decision on an application for planning permission for two new two-bed houses within the existing large neglected garden.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that irrespective of the outcome of an 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 associated appeal process.
3. The PPG advises that if it is clear that the local planning authority fail to determine an application within the time limits, it should give the applicant a proper explanation as to why there is a delay in the determination of the application. Furthermore, in an appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit.
4. The PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations.
5. The applicant submits that the Council has acted unreasonably in that they have failed to determine an application within the required timeframe which has necessitated chasing phone calls and emails.
6. The Council have not provided a response to the cost application. Additionally, they did not provide a statement of case. From the evidence submitted by the applicant, the Council failed to convey any concerns which could have avoided the appeal. As such, I have no evidence before me as to what caused the delay and therefore consider that the Council behaved unreasonably.

7. Whilst it is evident from the main decision that I have disagreed with the appellant, I am satisfied that the Council behaved unreasonably and the appellant incurred unnecessary expense in the appeal process.

Conclusion

8. The Council has failed to provide any justification for its failure to determine the application within the required timeframe. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an 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 South Gloucestershire Council shall pay to Pam Edwards, the costs of the appeal proceedings described in the heading of this decision.
10. The applicant is now invited to submit to Solihull Metropolitan Borough 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. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Tamsin Law

INSPECTOR