
Costs Decision

Site visit made on 1 July 2022

by R Sabu BA(Hons) MA BArch PgDip RIBA ARB

an Inspector appointed by the Secretary of State

Decision date: 15th August 2022

Costs application in relation to Appeal Ref: APP/P0119/W/21/3282702 Hill House Cottage, Frith Lane, Wickwar GL12 8PB

- 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 and Mrs J Jones for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for a proposal described as, 'construction of new country house of exceptional design (Paragraph 79 house)'.
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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.
3. It adds that examples of unreasonable behaviour by local planning authorities include:
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and
 - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (Adopted) December 2013 and South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 that the proposal would be in conflict within the view of the Council.
5. I note the Applicant's concerns that the comments of the South West Design Review Panel (DRP) were dismissed by the Council and that the proposal was not assessed by architecture design specialists. The DRP's comments were reviewed in the planning officer's report which also clearly articulates the concerns of the Council and provides reasons for departing from the recommendations of the DRP. As such, regardless of the qualifications of the

Council's Planning Officer and Conservation Officer, the Council had not failed to properly evaluate the application or consider the merits of the scheme. I have found that the Council had reasonable concerns about the impact of the proposed development. The Applicant had to address those concerns in any event.

6. Therefore, it is possible that since the Council found the development to be unacceptable, that the appeal would have been submitted in any event. Consequently, the Council's actions have not resulted in unnecessary expense in the appeal process.

Conclusion

7. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR