
Costs Decision

Site visit made on 27 September 2022

by A J Sutton BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2022

**Costs application in relation to Appeal Ref: APP/P0119/D/22/3301575
Top Floor Flat, Sunset Cottage, Holly Hill, Iron Acton, Bristol, South Glos
BS37 9XZ**

- 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 Christopher Perry for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for a domestic garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) sets out that irrespective of the outcome of an appeal, costs may only be awarded where a party has behaved unreasonably, in either a procedural or substantive way, which has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. The applicant states that the planning officer refused the proposal based on the over application of a policy that does not apply to this development and therefore should not have been refused.
5. The Council references Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites, and Places Plan (Local Plan) in its reason for refusing the application. This policy sets out parking standards for new development proposals. The proposal subject of this appeal is a domestic garage and therefore residential standards in this policy are relevant in this case. This would also be the case for other proposed new residential development at the property.
6. Whilst the appeal site is currently covered by a structure, the applicant concedes that this does not benefit from planning permission. In any event, whilst the proposal would not increase the living space at the dwelling it could affect off-street parking spaces at the property. It was reasonable therefore for

the Council to consider the proposal's effect on parking in the area, and whether this would result in harm to highway safety.

7. Detailed schemes for extensions or outbuildings under permitted development rights were not submitted as part of this case. Such schemes would be subject to conditions, limitations or restrictions and in the absence of details in this case were no more than a theoretical possibility. In these circumstances, I find that it was not unreasonable for the Council, in reaching its decision, not to have regard to this matter.
8. Although I disagree with the Council's decision, its reason for refusing the application was substantiated with reference to relevant policies. I have observed nothing in the information submitted with the appeal which would suggest that the Council has behaved unreasonably in either a procedural or substantive way which has resulted in wasted expense being incurred by the applicant during the appeal process.

Conclusion

9. Having considered all submitted evidence and for the reasons outlined above, an award of costs is not justified in this case.

A J Sutton

INSPECTOR