
Costs Decision

Site visit made on 20 December 2022

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Costs application in relation to Appeal Ref: APP/Z0116/W/22/3304333 37 Maple Road, Bishopston, Bristol BS7 8RD

- 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 Jake Colwill, Innova Property for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for change of use from small house in multiple occupation (C4) to a large house in multiple occupation for up to 7 people (*sui generis*).
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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 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 acted unreasonably by misapplying the sandwiching test and as the Supplementary Planning Document 'Managing the development of houses in multiple occupation' November 2020 (SPD) is inconsistent and contradictory. The applicant states that the Council has not justified harm resulting from noise, relying on noise complaints from 12 years ago and ignoring case law and appeal decisions establishing that environmental health legislation controls such matters. The applicant also states that the Council's concerns regarding the lack of car parking are vague and generalised and not supported by any adopted parking standard.
4. I have found that the Council have correctly applied the sandwiching test and that in relation to consideration of this appeal, the SPD is not inconsistent or contradictory. Matters concerning an assessment of the proposal against the sandwiching effect and on the character of the area, amenities of neighbouring residents and on the pressure for car parking and highway safety were detailed in the Council's officer report and statement of case and referenced against relevant development plan policies and the SPD.
5. The Council's policies and SPD detail the need for consideration of noise and disturbance regardless of any other environmental health legislation. From the evidence before me, the effect of the proposal upon living conditions of

neighbouring occupiers is of great concern to a number of local residents. This includes concerns related to noise and disturbance and from increased pressure on car parking and upon highway safety. Despite the lack of relevant adopted parking standard, the Council produced evidence to support their decision in relation to the lack of parking and the effect on highway safety. The appeal provided an opportunity for the applicant to test the position and explain their case. In my view the Council provided reasons for its concerns which justified its position.

6. In light of the above, I do not find that the Council misapplied the sandwiching test or that the SPD is inconsistent in relation to this appeal. In addition, the Council justified their concerns regarding the potential for noise and disturbance and the impact from the proposal upon the living conditions of existing residents and upon highway safety.
7. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
8. The application for an award of costs is dismissed.

C Rose

INSPECTOR