



Costs Decision

Site visit made on 27 March 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2023

Costs application in relation to Appeal Ref: APP/Z0116/W/22/3298842 Land to rear of nos. 44 and 46 Wrington Crescent, Bristol BS13 7EP

- 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 Jack Alford for a full award of costs against Bristol City Council.
 - The appeal was against the failure to give notice within the prescribed period of a decision on an application for planning permission for construction of 2no. three-bedroom, semi-detached dwellings.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Council failed to give notice of its decision on the application within the prescribed period and moreover it did not explain the delay or seek an extension of time. It did not supply a statement of case for the appeal. Without any putative reasons for refusal, it is unclear what decision the local planning authority would have made, had it been able to issue a decision.
4. I have dealt with the case as if the application had been made to the Secretary of State in the first instance. This has resulted in the dismissal of the appeal. However, there is always the possibility that the Council may have chosen to grant planning permission. Neither I nor the appellant have any means of knowing what the outcome would have been. The appellant was forced into the position of having to make an appeal to obtain a decision.
5. The aim of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case. Amongst other things, it seeks to encourage local planning authorities to properly exercise their development management responsibilities. The PPG explains that authorities are at risk from an award of costs where they fail to review their case promptly following the lodging of an appeal against non-determination, as part of sensible on-going case management.

6. I have seen no evidence to demonstrate that the Council reviewed the case following the lodging of the appeal. The abject failure to engage with the planning application and the subsequent appeal constitutes unreasonable behaviour. This led to the unnecessary and wasted expense of lodging an appeal. A full award of costs is therefore justified.

Costs Order

7. In the 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 Bristol City Council shall pay to Mr Jack Alford, the costs of appeal proceedings described in the heading of this decision. Such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Bristol City 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.

Robert Parker

INSPECTOR