



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: 09 May 2023

Costs application in relation to Appeal Ref: APP/Z0116/W/22/3303057 21 Oak Road, Bishopston, Bristol BS7 8RY

- 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 Nigel Green 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 change of use from residential dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 residents (Use Class C4), with associated cycle and refuse/recycling storage.
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Decision

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

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 application for an award of costs is made on the basis that the Council has not reached a decision within the statutory timeframe on a development which should be permitted, having regard to its accordance with the development plan, supplementary planning guidance, national policy and any other material considerations. It is contended that the proposal met the tests set out in the 'Managing the development of houses in multiple occupation' Supplementary Planning Document at the time the planning application was submitted and therefore permission should have been granted at Committee on 18 May 2022, in line with the officer recommendation.
4. Although the minutes of that meeting suggest that the application was deferred to allow time for officers to bring back valid reasons to refuse the application, email correspondence confirms that committee members were concerned over the accuracy of the data being presented by officers. It was not unreasonable for them to seek further investigations in this regard, particularly having regard to third party representations which suggested that there were additional HMOs in the neighbourhood which did not feature in the Council's dataset.
5. The case officer subsequently advised the appellant that the assessment should be made on the situation at the time of submission and initial assessment. I can find nothing within the SPD to confirm this as the correct approach. The most

sensible, and arguably robust, methodology would be to determine the application based on the most up-to-date information available at the time of the decision. I appreciate that the appellant has been disadvantaged in this case by the decision timescales and issues surrounding the Council's dataset. However, this was not the result of unreasonable behaviour on the part of the local planning authority. Therefore, whilst I can understand the frustration, there are no grounds for making an award of costs against the Council.

6. Accordingly, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. A full award of costs is therefore not justified.

Robert Parker

INSPECTOR