



Costs Decisions

Site visit made on 18 July 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Costs application in relation to Appeal A Ref: APP/F0114/W/22/3309043 93B Sydney Mews, Bathwick, BATH, BA2 4ED

- 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 K Chadwick for a full award of costs against Bath and North East Somerset Council.
 - The appeal was against the refusal of planning permission for interior and exterior alterations to non original areas.
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Costs application in relation to Appeal B Ref: APP/F0114/Y/22/3309042 93B Sydney Mews, Bathwick, BATH, BA2 4ED

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr K Chadwick for a full award of costs against Bath and North East Somerset Council.
 - The appeal was against the refusal of listed building consent for interior and exterior alterations to non original areas.
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Decision – Application A

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

Decision – Application B

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

Preliminary Matters

3. The applications relate to the same scheme under different legislation. I have dealt with both applications together in my reasoning.

Reasons

4. Parties in planning appeals normally meet their own expenses. However, 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.
5. The applicant submits that the Council determined the applications late causing further costs, that its communication was insufficient, and that it carried out insufficient planning balance, process, and reasoning. The PPG clarifies that the costs process relates to costs that have been incurred during the appeal process. The applicant's costs applications relate primarily to the period during which the Council determined the application. No evidence has been submitted to suggest that the Council has behaved unreasonably at the appeal stage.

6. Whilst I can accept that the Council appears to have taken a long period of time to determine the applications, its officer reports demonstrate that it considered the proposal's impact carefully and carried out an adequate planning balance. The reasons it gave for refusing the applications were sound and, although I reached a different conclusion in my appeal decisions, do not amount to unreasonable behaviour.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and awards of costs are not warranted.

A Tucker

INSPECTOR