



Costs Decision

Site visit made on 7 August 2023

by H Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2023

Costs application in relation to Appeal Ref: APP/P0119/X/22/3308729 31 Cavendish Road, Patchway, South Gloucestershire BS34 5HL

- The application is made under the Town and Country Planning Act 1990 (the Act), sections 195, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Guiseppe Sutera for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of an application for a certificate of lawful use or development for 'Proposed detached outbuilding'.
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Decision

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

Reasons

2. 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.
3. The applicant states that the Council have behaved unreasonably in that they failed to correctly interpret the relevant extant statute and that they refused the application despite there being no evidence to firmly corroborate their conclusions. They also state that the Council appear to have relied on previous, unevidenced, misconceptions of the site. Therefore, the applicant believes a certificate of lawful use or development should have been granted and hence the appeal avoided.
4. The reason for refusing to grant a certificate of lawful use or development, as set out in the decision notice, is sufficiently complete, precise and relevant to the type of application. It makes reference to the correct sections of the Act and the General Permitted Development (England) Order 2015 (as amended). The reason for refusal was adequately substantiated and justified by the Council in its officer report, which also outlined the investigation and how, in their assessment at the time of application, the proposed outbuilding would not have been lawful.
5. It can be seen from my appeal decision that I agreed with the Council decision and concluded that their refusal to grant a certificate of lawful use or development in respect of a proposed detached outbuilding was well-founded. It is for the appellant to demonstrate, on the balance of probability, that the proposal would be lawful. As set out in my appeal decision, in my judgement, the appellant did not do this.

6. I am satisfied that the Council has shown that it undertook an appropriate assessment of the application and all available evidence, and that the appropriate legislation was correctly applied. For the reasons given, I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

7. Unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not justified.

H Davies

INSPECTOR