



Costs Decision

Site visit made on 22 June 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Costs application in relation to Appeal Ref: APP/Z0116/W/23/3314107 Junction of Redcatch Road and St Agnes Road, 100 Redcatch Road, Bristol BS4 2HQ

- 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 Mrs Misha Simmonite for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for erection of dwelling (Renewal of planning permission granted on appeal ref APP/Z0116/W/18/3196399 - BCC 16/06418/F - self build).
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Decision

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

Preliminary Matters

2. The site address has been taken from the costs application.

Reasons

3. 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.
4. The applicant submits that the Council has acted unreasonably in that it persisted in objecting to the scheme where a previous Inspector found a similar scheme to be acceptable and that it provided vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. This is alleged to have resulted in wasted time and cost.
5. In respect of the planning decision, I have noted the Council's reason for refusal. This is specific and relevant to the application. The Council also clearly states the policies of the development plan which the proposal is considered to conflict with. This reason, in my view, when taken together with the officer report, has been adequately substantiated, irrespective of any other decisions or proposals on the same site. Ultimately, the application formed a new planning application and consisted of elements which, although not dissimilar, were not identical to the earlier scheme. It is my view that the application for costs essentially relates to a disagreement about legitimate matters of planning judgement.
6. Although I acknowledge the applicant's clear frustration in respect of communications with the Council, pre-application discussions are not determinative in a later planning decision. Moreover, it is evident from the

main decision that I have disagreed with the Council's reason for refusal. Nevertheless, I am satisfied that the Council's overall determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR