



Costs Decision

Site visit made on 17 October 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Costs application in relation to Appeal Ref: APP/P0119/W/23/3320556 1 Oaktree Avenue, Pucklechurch, South Gloucestershire BS16 9RP

- 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 Chris Smart for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for 2 bedroom 2 storey end terrace house.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive. In this instance, the applicant refers to the Council's alleged unreasonable approach during the processing of the planning application, in particular not fully assessing the application against published guidance.
3. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. Whilst I have reached a different view to the Council with regards to the contribution of the proposed front garden towards overall amenity space provision, nonetheless the Council have provided clear reasoning why they found that it does not contribute to the overall amenity space requirement and thus why they consider that there is conflict with Policy PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017). Therefore, I am satisfied that the Council have presented a suitably substantiated case in support of their decision which gave appropriate weight to all material planning considerations.
5. I find that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Nichola Robinson

INSPECTOR