
Costs Decisions

Site visit made on 17 October 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Costs application in relation to Appeal A Ref: APP/Z0116/W/22/3310457 6 Sussex Place, Bristol, BS2 9QW

- 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 Julian West for a full award of costs against Bristol City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for conversion of single dwelling into two flats and a maisonette, including renovation of the property.
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Costs application in relation to Appeal B Ref: APP/Z0116/Y/23/3315206 6 Sussex Place, Bristol, BS2 9QW

- 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 Julian West for a full award of costs against Bristol City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for listed building consent for conversion of this single dwelling into two flats and a maisonette, including the renovation of the property as a listed building.
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Decision – Application in relation to Appeal A

1. The application for an award of costs is allowed in full, in the terms set out below.

Decision – Application in relation to Appeal B

2. The application for an award of costs is allowed in full, in the terms set out below.

Reasons

3. 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's failure to process the applications and communicate with the applicant amounts to unreasonable behaviour. The appeals were lodged before the Council allocated the cases to a planning officer, and it was not until after this that the applicant received any communication from the Council regarding the proposal.
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5. The Council advises that it is currently experiencing a significant resourcing issue which has allowed a backlog to develop. Amongst other things the PPG advises that the costs process exists to encourage local planning authorities to properly exercise their development management responsibilities, and to encourage all those involved in the appeal process to behave in a reasonable way in terms of timeliness.
6. I accept that an award of costs would modestly perpetuate the situation for the Council. However, since the appeals were lodged the Council has engaged with the applicant and negotiated revisions so that it could support the scheme. Accordingly, I must conclude that the Council's delay and subsequent support for the proposal after the appeals were lodged amounts to unreasonable behaviour.
7. The applicant has incurred unnecessary and wasted expense by lodging appeals against the Council's failure to determine applications that should have reasonably been permitted. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified for both applications.
8. I cannot however take into account the loss of income to the applicant in the intervening period, as the PPG confirms that awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.

Costs Order – Appeal A

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bristol City Council shall pay to Mr Julian West, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Bristol City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Costs Order – Appeal B

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bristol City Council shall pay to Mr Julian West, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Bristol City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Tucker

INSPECTOR