



Costs Decision

Site visit made on 6 December 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

**Costs application in relation to Appeal Ref: APP/P0119/D/23/3320689
The Beeches, Old Gloucester Road, Alveston, South Gloucestershire
BS35 3LQ**

- 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 and Mrs Gordon for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for removal of brick structure and erection of outbuilding for garage, storage and home office use.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals are normally expected to meet their own expenses, irrespective of the outcome of the appeal. Costs may only be awarded against a party which has behaved unreasonably, in either a procedural or substantive way, and has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant is seeking a full award of costs on the basis that the Council has acted unreasonably. They consider that the Council incorrectly applied the National Planning Policy Framework (the Framework), that errors were made in the references to Local Plan Policies and Supplementary Planning Documents (SPD) and incorrect figures were quoted. They consider the Council has been inconsistent in its approach in relation to other cases within the Green Belt.
4. The Council considered the most applicable Green Belt exception within the Framework to be para 154c). The Framework does not make any specific reference to outbuildings. Case law has established that it would be unlawful to find that an outbuilding should not be treated as an "extension" for the purposes of para 154 c) solely on the basis that it was not linked to another building¹. Whether a detached structure would amount to an extension of a building is a matter of fact and degree and as such the Council did not act unreasonably in considering the proposal on this basis.
5. Consequently, it was reasonable for the Council to consider the extent of additions over and above the original dwelling, including previous extensions and outbuildings. I note that the Council have referred to the previous

¹ *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)*

extensions amounting to 54% of the volume of the original house, in contrast with a figure of 44% given in the report for that extension. However, the discrepancy between the figures quoted is not so great to have been material to the outcome of the appeal. In any event I have relied on the figures provided by the appellant, as explained in the decision letter. The reason for refusal refers to additions to the 'plot' as opposed to 'building', however there is no evidence that the Council misapplied the Framework in this regard, as the assessment clearly relates to additions to the building.

6. The reference to infilling being applicable only to dwellings was within email correspondence and was not included in the officer report or the decision notice. Although the Council was not explicit in its consideration of whether or not the proposal was 'limited infilling', under para 154 e) or g), the report made clear that they considered para 154 c) to be the most relevant. Therefore, I do not find that this amounts to unreasonable behaviour.
7. I note that Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) (PSPP) was not included in the reasons for refusal, however the Officer Report provided an analysis of the proposal against this Policy. As explained in my decision, Policy PSP38 of the PSPP is relevant to the appeal as confirmed in the supporting text. The Householder Design Guide SPD, whilst not specifically focussed on outbuildings, contains general householder design advice which would be applicable to the proposal.
8. Whilst the design of the garage would be similar to that approved at The Lodge, it would have a different relationship with the street and the host dwelling. Although I found that the proposal would not be harmful to the character and appearance of the area, the Council did not behave unreasonably in coming to a contrary view and evidence supporting this view was provided in the form of the officer report. As explained in my decision, I have not found that any of the cases referred to are directly comparable to the appeal proposal and as such I do not consider that the Council has been inconsistent in their consideration of these.
9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guide, has not been demonstrated. Therefore, the application for an award of costs must fail.

E Pickernell

INSPECTOR