



Costs Decision

Site visit made on 18 January 2024

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Costs application in relation to Appeal Ref: APP/P0119/W/23/3326618 668 Southmead Road, Filton, South Gloucestershire BS34 7RD

- 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 Nick Howell for a full award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for a proposed side extension to form a 3 bedroom self contained house with associated access.
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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 PPG indicates examples of unreasonable behaviour, this includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The PPG also 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.
4. The application essentially relies on the fact that the Council failed to adequately justify its decision in light of a similar approved scheme at no. 678 Southmead Road, and given that a two-storey extension of a highly comparable design had recently been approved at the appeal property.
5. It can be seen in the main decision that I disagree with the Council in relation to its findings on the main issue. Nevertheless, in refusing the application the evidence presented by the Council is suitably specific and detailed in relation to the perceived harm to the character of the area, and is linked to relevant associated policy.
6. Additionally, the officer's report suitably explains why the proposed new dwelling (as opposed to a residential extension) was considered to be harmful to the character and appearance of the area, in light of both the planning history of the site and the surrounding context of development. Although I have ultimately reached an alternative view, issues surrounding the proposal's design and its effects on the character and appearance of the area are subjective in nature and therefore a matter of judgement.

7. Consequently, I am satisfied that the Council has shown that it was able to substantiate its reason for refusal. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Lewis Condé

INSPECTOR