



Costs Decision

Site visit made on 28 March 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Costs application in relation to Appeal Ref: APP/Z0116/W/23/3331983 2 Stillhouse Lane, Bedminster, Bristol City, Bristol BS3 4EB

- 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 Michele Oldfield for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for Change of use from Commercial Workshop to 5no. Residential Apartments.
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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. The applicant considers that the Council did not work with them in a positive and proactive manner and acted unreasonably, in procedural terms, by offering but then withdrawing the opportunity to amend the scheme.
3. Giving the applicant an opportunity to amend the scheme and agreeing an extension of time to allow for this does indicate that, as has been put to me, the Council considered that its concerns with the planning application could have been addressed. Be that as it may, as per the PPG, the Council is not obliged to accept changes to planning proposals.
4. I recognise that the applicant must have felt frustrated by the Council offering but then, following the email from the applicant's agent on 23 August 2023 seeking clarification on some matters, withdrawing the opportunity to submit amendments. The time the Council has been taking to determine planning applications, including the appeal proposal, would have no doubt added to this. Nevertheless, the Council's actions in this regard relate to its determination of the planning application; and whilst amendments may have resolved some of the Council's concerns, it is not clear – particularly given the content of the agent's 23 August email – that any amendments submitted would have resulted in either permission being granted and thus an appeal being avoided or the issues at appeal being narrowed.
5. In addition to querying the need for some of the Council's suggested amendments on the development proposed, I note that the plans and reports submitted with the application had not resolved several of the issues raised by the Council at pre-application stage. Accordingly, whilst the agent's seeking of clarifications and further discussions was not of itself unreasonable (and was

in-line with the Council's published approach to negotiating amendments), it was not unreasonable for the Council to decide that its latest stated concerns would also not be sufficiently resolved, at least without potentially significant extra input on its part. Given such negotiations and the Council's acceptance of amendments is discretionary, the Council's approach was thus not unreasonable. In addition, submitting the amended plans with the appeal rather than with a revised application to the Council was the applicant's choice.

6. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

T Gethin

INSPECTOR