
Costs Decision

Site visit made on 22 May 2024

by Tom Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 29 May 2024

Costs application in relation to Appeal Ref: APP/P0119/W/23/3330047 Great House Farm, The Common, Chipping Sodbury BS37 6PX

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5) as amended.
 - The application is made by Mr Alick Campbell of Great House Farm against the decision of South Gloucestershire Council ('SGC').
 - The appeal was against SGC's refusal of planning permission in respect of application ref. P22/03507/F for development described on the application form as the 'conversion of existing agricultural building into 1 No. Residential Dwelling'.
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Decision

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

Reasons

2. Parties to planning appeals normally meet their own expenses. However the Planning Practice Guidance ('PPG') explains how costs may be awarded against a party who has behaved unreasonably, and thereby directly caused another party to incur unnecessary expense at appeal.¹ Although costs applications may relate to events before an appeal is made, an award cannot extend to costs incurred beforehand.²
3. The appellant's arguments for costs are the same as those in favour of the development proposed. As I have reasoned in the associated appeal decision, unfortunately the premise on which SGC opposed the proposal stemmed from an incorrect interpretation of an Inspector's decision at *Fairfield*.³ No planning judgement is without its complexities, as noted in paragraph 4 of the associated appeal decision. Nevertheless that cannot be described other than as a fundamental shortcoming or misinterpretation (paragraphs 5 to 7 of the associated appeal decision).
4. I am conscious that the appeal decision itself will serve to clarify my view on the application of policy in that respect. I am also acutely aware of systemic resource challenges in planning. Nevertheless I cannot other than find that SGC's approach in refusing application ref. P22/03507/F, and in maintaining an objection to it at appeal, represents unreasonable behaviour within the terms of the PPG.⁴ Whilst the appellant has not precisely set out the costs that they

¹ Reference ID: 16-028-20140306.

² PPG Reference ID: 16-032-20140306.

³ Ref. APP/P0119/W/21/3280870.

⁴ With regard to PPG Reference ID: 16-049-20140306, first bullet.

have incurred at appeal, the PPG specifies that may include the time spent preparing for an appeal, including the use of consultants.⁵ Clearly some expense has been incurred in that regard.

Costs Order

5. In exercise of the powers under section 250(5) of the Local Government Act 1972 as amended 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 South Gloucestershire Council shall pay to Mr Alick Campbell of Great House Farm the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Court Costs office if not agreed. Mr Alick Campbell is now invited to submit to South Gloucestershire 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.

Tom Bristow

INSPECTOR

⁵ Reference ID: 16-032-20140306.