



Costs Decision

Site visit made on 20 August 2024

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Costs application in relation to Appeal Ref: APP/P0119/W/24/3338639 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 of Whitehorse Homes Ltd for a full award of costs against South Gloucestershire Council.
- The appeal was against the refusal of the Council to grant planning permission for erection of two storey side extension to form 2 no. new flats with other associated works.

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 PPG¹ advises that a Council may be at risk of costs on substantive grounds if, amongst other things, it prevents or delays development which should clearly be permitted, having regard to its accordance with the Development Plan, national policy and any other material considerations. A Council is also at risk if it makes vague or generalised assertions about the impact of a proposal, unsupported by objective analysis.
4. In the main decision, I have found that the built form of the extension approved by the Council² would have a very similar appearance to the current proposal. It would also be similar to the separate dwelling approved at appeal³, but this decision post-dated the decision of the Council on the appeal application before me. Moreover, the concerns of the Council in respect of the character and appearance of the area also related to the proposed amenity areas.
5. The proposal before me would result in greater division of the rear garden area than either of the approved schemes. Although I have reached a different view from the Council about the importance of this, it is essentially a matter of planning judgement. I also recognise that the Council was following the reasoning of the first Inspector on this issue⁴. The Council decision at 678

¹ Paragraph: 049 Reference ID: 16-049-20140306

² LPA reference P22/07055/HH

³ PINS reference APP/P0119/W/23/3326618

⁴ PINS references APP/P0119/W/22/3294641 and APP/P0119/W/22/3294010

Southmead Road⁵ involved a lesser amount of garden division and so is not directly comparable to the proposal.

6. I have also reached a different conclusion to the Council in respect of the living conditions of future occupiers of the proposal with regard to outdoor space. However, this is again a matter of professional opinion and the arguments made by the Council in its Officer Report and Statement of Case provided a respectable position.
7. Accordingly, I find that the Council has not behaved unreasonably, having regard to the advice in the PPG. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

O Marigold

INSPECTOR

⁵ LPA reference P21/06534/F