



Costs Decision

Hearing held on 5 September 2024

Site visit made on 5 September 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Costs application in relation to Appeal Ref: APP/Z0116/W/24/3341173 Orchard House 515-517 Stockwood Road, Brislington, Bristol BS4 5LR

- 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 Stockwood Land Ltd for a full award of costs against Bristol City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for outline planning permission with some matters reserved - for the erection of 58no. residential apartments with associated works.
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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 sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. It states that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.
4. Having been registered in August 2021, the application was not determined within the target date, however it is evident that there were a number of complicating factors in consideration of the proposal. The application was recommended for approval subject to the completion of a legal agreement, which was drafted in November 2022. This was not completed, and the Council was contacted in March 2023 when the appellant set out that a viability assessment would be forthcoming.
5. Whilst at this point, there was a considerable delay in determination, it is clear that the Council had attempted to come to a positive decision, and the delay at this point was due to the altered circumstances put forward by the appellant.
6. A lengthy delay ensued whilst both parties sought expert advice and assessments. The Council sought additional advice from their assessors, however, this was not forthcoming. Whilst they did not therefore formally respond to the rebuttal provided by the appellants in January 2024, both

parties agreed for a determination by a formal extension of time date. Whilst the Council did not determine the application on the agreed date, the Council was clear that the decision would have been a refusal for the reasons they had set out, and the clear advice they received from their external assessors.

7. The appeal (and costs submission) swiftly followed, and it is unclear why this short delay after the agreed extension of time date caused unnecessary or wasted expense related to the appeal.

Conclusions

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR