
Costs Decision

Site visit made on 2 January 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Costs application in relation to Appeal Ref: APP/P0119/W/24/3353312 6 Sixth Avenue, Bristol, Avon BS7 0LT

- 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 Jack Conway for a full award of costs against South Gloucestershire Council.
- The appeal was against the refusal of planning permission for a single storey rear extension along with loft conversion and rear dormer to facilitate a change of use from Small HMO (C4) to a Large HMO (Sui Generis) for up to 7 people.

Decision

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

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 planning applications, or not determining similar cases in a consistent manner.
4. The applicant set out in the initial submissions that there was precedent set from numerous allowed appeals that additional explanatory guidance to the Houses of Multiple Occupation Supplementary Planning Document only refers to the change of use of properties that are not existing HMO's. This reference to precedent and other decisions was not addressed in the Officer Report.
5. Furthermore, the Council accept that the identified precedent was then referred to and accepted in the determination of a subsequent similar application nearby¹, and as such, their position in relation to the appeal was unreasonable. The Council subsequently conceded its position.
6. The Council has therefore failed to produce evidence to substantiate the reason for refusal on appeal and have not determined similar cases in a consistent manner.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

¹ No.11 Fifth Avenue (P24/01747/F)

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 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 Jack Conway the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to South Gloucestershire Council, whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

B Phillips

INSPECTOR