



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: 28 January 2025

Costs application in relation to Appeal Ref: APP/Z0116/W/24/3348962

9 Daws Court, Fishponds, Bristol BS16 3DE

- 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 Kevin Brewer for a partial award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for an erection of a single dwellinghouse (Use Class C3).
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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 not determining similar cases in a consistent manner.
4. A previous similar application¹ for a new dwelling on the application site was refused on the grounds of its visual impact. The application was in outline, with all matters reserved, including access. Even if a similar access to the appeal scheme was proposed, it has not been demonstrated that matters of access were considered in detail by the Council when determining the outline application.
5. It is not therefore demonstrated that the Council failed to determine similar cases in a consistent manner, or that a subsequent addition of a refusal reason relating to highway safety is unreasonable.
6. In addition, whilst there are clear errors in the Officer Report as highlighted by the applicant, they do not obscure the Council's arguments to the degree that they were unclear and has required little effort by the applicant to identify and clarify as part of the appeal.
7. As such, whilst I have found differently on this matter, it has not been demonstrated that the applicant's time and expense in defending this matter was not necessary and has resulted in unnecessary or wasted expense on their behalf.

¹ Application reference 21/01783/P

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