



Costs Decision

Site visit made on 9 January 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th February 2025

Costs application in relation to Appeal Ref: APP/Z0116/W/24/3351142

Land to the rear of 121-131 Highridge Road, Bishopsworth, Bristol, BS13 8HY

- 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).
 - The application is made by Mrs Lucy Millen of the Millen Group for a full award of costs against Bristol City Council.
 - The appeal was against the Council's refusal to grant planning permission for the erection of a pair of semi-detached three bedroom dwellings.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 appellant's reasons for the application were made in writing. In summary, the appellant contends that the Council acted unreasonably: (i) in delaying its decision and failing to engage with the appellant throughout; (ii) in its failure to consider or request further information; (iii) in not accepting an amended scheme submitted in August 2024 and (iv) in providing inadequate reasoning for its decision, and failing to act in a consistent manner having regard to the established character of the area and other decisions it had made.

(i) Delay & Engagement

4. In providing a timeline for the application the appellant suggests that the decision to refuse permission was made in October 2024. However, the documentation before me shows the decision to refuse was made on 22 August 2024. Indeed, the appeal form is dated 2 September 2024.
5. Soon after the planning application was submitted, it was made clear to the appellant by the Council in its acknowledgment letter, dated 16 November 2023, that delays would occur. It says that the application would not be allocated to a case officer for approximately 24 weeks. The appellant should not therefore have been surprised that the delays forewarned by the Council happened in practice.
6. The acknowledgment letter also signified to the appellant that the right of appeal could be exercised in early January 2024. The appellant did not follow this course of action.

7. For various reasons the Council was not in a position to deal with planning applications expeditiously at this time¹, and the appellant was not, it seems to me, singled out in any way.
8. There were therefore avenues open to the appellant to avoid or reduce delays in dealing with the proposal, but these were not acted upon. Given that the Council forewarned the appellant of the likely lengthy delays in dealing with the application and pointed to the steps open to her to reduce the level of delays, I do not consider that the Council acted unreasonably.

(ii) Further information

9. It seems to me that the Council did not request any further information in the first instance since it did not begin to look seriously at the application until almost 6 months following its submission, as had been forewarned. Moreover, it resolved to refuse the application on its merits on the basis of the submitted information, and no amount of additional information it seems to me would have assisted in persuading the Council to a different view.
10. I note that there is no indication of a pre-application consultation with the Council. Had this occurred, it would have given an indication not only of the Council's likely stance but of the supporting information needed to accompany an application. The initial application was accompanied by very little supporting information. The Design and Access Statement does not provide the level of detail that could have been reasonably expected in support of an application of this type in this sensitive location². Whilst this was rectified later for the amended scheme, no good reason has been provided as to why such supporting information was not produced at the outset. In the circumstances, I do not consider the Council to have acted unreasonably in not requesting further information.

(iii) Amended Scheme

11. The appellant appears to acknowledge the advice provided in the Planning Practice Guidance that the acceptance or otherwise of an amended scheme involving an altered scheme, its accompanying plans and several reports is a matter for the Council's discretion. It utilised its discretion not to accept them for the clear reasons provided in the representations. That being the case, and given the nature of National guidance, the Council did not act unreasonably in not accepting or addressing the appellant's amended scheme.

(iv) Planning Merits and Consistency

12. The substantive decision letter on the appeal shows that I share the Council's view on the merits of the proposal and provides the reasons why. The issue of consistency in decision making is also dealt with. Given the outcome of the appeal and that I shared the Council's stance on most aspects of its decision, it logically follows that I do not consider the Council to have acted unreasonably in arriving at its decision.
13. Finally, the appellant has referred to aspects of case law in support of her application. No adequate explanation has been provided as to why some of the

¹ The Secretary of State placed the Council into 'special measures' in March 2024 so that applications of the development type proposed in this appeal could after that be made directly to the Planning Inspectorate.

² On the fringes of a designated Heritage Asset involving backland development

cases referred to are relevant to the particular points raised, and in one instance the appellant's references appear to be mistaken. Nevertheless, the outcomes of the cases have been considered and taken into account in my decision.

14. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and the application is therefore refused.

G Powys Jones

INSPECTOR