



Costs Decision

Site visit made on 18 March 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Costs application in relation to Appeal Ref: APP/P0119/W/24/3349875 77 Adderly Gate, Emersons Green, South Gloucestershire BS16 7DR

- 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 & Mrs G Firth for a partial award of costs against South Gloucestershire Council.
 - The appeal was against the refusal of planning permission for change of use from garage to dwelling.
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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 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 applicants' costs claim relates to the first reason for refusal, which referenced the effect on the character and appearance of the area. The applicants' claim is twofold. Firstly, the applicants state that the Council identified harm arising from the scale and siting of a building that has been partially constructed under an existing permission for the erection of a garage, and there are no proposed alterations to the scale and siting of the building. Secondly, it is stated that the Council failed to undertake a planning balance that weighed the benefits of the scheme, and the applicants' assertion that the proposal complies with certain policies, against any harm identified by the Council.
4. As explained in my appeal decision, what is expected of a garage in respect of its form, its siting in relation to the street and its physical and visual relationship with the surrounding residential properties differs from a dwelling. Just because a garage has an acceptable impact on the street scene does not lead to the conclusion that changing its use to a dwelling, including relatively minor external alterations, would automatically be acceptable as well. As such, the Council were not unreasonable to determine that the proposed use of the building and the site as an independent residential property would harm the character and appearance of the area. Particularly as the Council's officer report provides cogent reasoning to substantiate that conclusion.
5. I have noted that the Council included the erection of a boundary around the garden in their assessment of the effect on the character and appearance of the area, but no boundary treatments appear to be shown on the submitted plans.

- However, that only formed part of the overall assessment leading to the first reason for refusal and there were other substantive reasons for refusing the proposal on that particular ground. As such, the inclusion of a potential boundary treatment in that assessment has not undermined the first reason for refusal and the Council did not act unreasonably by mentioning the potential impact of boundary treatments.
6. Turning to the second part of the applicants claim, I note the applicants' assertion that the proposal would comply with Policies CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy 2006 – 2027 and Policy PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017). It was not unreasonable for the Council to have a differing opinion and identify conflict with Policies CS16 and CS17. The Council did not identify a conflict or compliance with Policy PSP38. Whilst the proposal may comply with that policy, there is likely to be other development plan policies that the proposal would comply with, and I do not consider it is necessary or reasonable for the Council to identify every policy that the proposal may comply with and weigh those against the harm that they have identified.
 7. Furthermore, the information that came forward as a potential benefit at the application stage was a reference to the site being located within a housing area with good access to services, facilities and public transport. It is implicit from the Council's assessment of the principle of development in the officer report that the proposal is located in an area identified as suitable for housing in the spatial strategy for the area due to it being an accessible location for services, facilities and public transport. As such, the Council therefore acted reasonably to refuse permission without carrying out a planning balance.
 8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Reeves

INSPECTOR