



Costs Decision

Hearing held on 12 March 2025

Site visit made on 12 March 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Costs application in relation to Appeal Ref: APP/P0119/W/24/3351774

Land at Lyde Green, Emersons Green, South Gloucestershire BS16 7NT

- 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 South Gloucestershire Council full award of costs against Norft Ltd.
 - The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
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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 Council is seeking an award of costs due to its view that it was only at the hearing that it became apparent that the appellant was content for an amendment to the conditions, whereas the appeal had been submitted seeking their removal. However, I note that in their covering letter to the section 73 application the appellant indicated they would be open to amending the conditions in some way. Although the letter indicates that the scope of any amendments that would be accepted would be limited, it nonetheless provides an opening for discussion on the matter.
4. In any event, the appellant's support for amending the conditions at the hearing does not indicate that it was unreasonable to submit an appeal that sought the removal of those conditions in their entirety. Moreover, the appellant's costs application reiterates the view that the removal of both conditions would be the best outcome. Therefore, I find that the appellant's expressed support for amending the conditions at the hearing does not amount to unreasonable behaviour or remove the need for a hearing. Furthermore, it will be seen from the Appeal Decision that I have found removal of condition 11 to be acceptable.
5. The Council also considers that the appellant acted unreasonably in seeking to use this appeal to obtain a finding on the boundary of the common land, whereas the proper process for this is through a separate application under the Commons Act 2006. However, whether or not that was the appellant's intention, it has not been

clearly demonstrated how the submission of their evidence on that matter amounts to unreasonable behaviour that caused the Council wasted expense in the appeal process. Similarly, I am not persuaded that any concerns expressed by the appellant about the suitability of the access proposals for the residential development at Lyde Green Farm amount to unreasonable behaviour or resulted in unnecessary expense through this appeal.

6. Therefore, unreasonable behaviour by the appellant, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated.

Rachel Hall

INSPECTOR