



Costs Decision

Site visit made on 17 April 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Costs application in relation to Appeal Ref: APP/P0119/W/25/3360156

Former Railway Inn, Station Road, Yate, BS37 5HT

- 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 for a full award of costs against Railway Tavern Bristol Ltd.
 - The appeal was against the refusal of planning permission for change of use of internal bicycle store to form 1 no. new flat (class C3 dwelling) and erection of 2 no. external bicycle stores (part retrospective).
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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. The Council state that the applicant has shown a resistance to co-operating, has only provided the relevant viability information during the appeal and has provided viability information which is incorrect. It is stated that this has resulted in unjustified expense for the Council.
3. The appeal proposal would relate in the conversion of an approved cycle store to a 2-bedroom flat and follows an application¹ for the erection of 40 flats. The Council set out that, as a split site development, the whole site should be considered for the purpose of determining the scale of provision of affordable housing and contributions towards public open space. This approach is supported by South Gloucestershire Local Plan Core Strategy (2013)(CS) policy CS18. The proposal does not make any contributions towards affordable housing or public open space and the planning application was not supported by a viability assessment.
4. I have concluded in the accompanying appeal decision that it was not demonstrated that the proposal results in the requirement for contributions towards public open space as required by CS policy CS24. Nonetheless, the proposal generates the requirement for affordable housing provision. CS Policy CS18 sets out the required affordable housing provision and is clear that this is required unless the developer demonstrates that the economic viability of a particular site is affected by specific factors. This evidence did not form part of the planning application and the failure to provide this resulted in one of the reasons for refusal.

¹ Application Ref P20/19213/O

Additionally, the viability evidence submitted with the appeal contains errors, bringing into question whether the viability position is accurate or reliable. This constitutes unreasonable behaviour.

5. However, I have not been presented with any evidence of substantive work undertaken preparing a case in respect of the submitted viability appraisal or refusal reason 2, and therefore wasted expense has not been demonstrated. As the appeal was inevitable due to refusal reasons 1,4 and 5, I find that this unreasonable behaviour did not result in unnecessary or wasted expense during the appeal. Additionally, I have not been provided with any evidence that the applicant resisted co-operating with the Council.

Conclusion

5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is therefore not justified

N Robinson

INSPECTOR