



Costs Decision

Site visit made on 1 April 2025

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Costs application in relation to Appeal Ref: APP/Z0116/W/24/3357947

The Old Tavern, Blackberry Hill, Stapleton, Bristol BS16 1DB

- 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 Christian Grant Properties Ltd for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for change of use of public house to student accommodation with ancillary common parts, demolition of existing outcrop elements and the construction of purpose-built student accommodation with associated works including landscaping, refuse storage and cycle storage.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. With reference to the examples of the type of behaviour that may give rise to a substantive award against a local planning authority set out in the PPG, the applicant submits that the Council prevented or delayed development which should clearly be permitted, and did not determine similar cases in a consistent manner.
4. The applicant refers to the case at 203 Church Road, which was for a dual use commercial space that comprised the retention of a pub/bar and the re-establishment of a small-scale cinema. The retained public house would be smaller, so the Council carried out an assessment of public houses within walking distance of the site, to obtain a picture of alternative local provision.
5. In its appeal statement for 203 Church Road the Council referred to the Providing for Journeys on Foot guidance, which considers a walking distance of 1200 metres or a 15 minute walk. This is more generous than the distance set out in the Public Houses Practice Note 2022 to accompany Policy DM6 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (LP), which suggests a distance of 800 metres that is roughly equivalent to 10 minutes walking.
6. No reasons are provided in the Council's appeal statement or its rebuttal for this costs application that explain why this alternative guidance was used. The Council points out that the case at 203 Church Road was different as a public house use was retained. Whilst this is not disputed, it does not explain the differing approach; in both the appeal before me and the case at 203 Church Road the assessment sought to achieve the same aim of obtaining an understanding of alternative

provision locally. This difference is inconsistent, and I therefore find that the Council behaved unreasonably in this respect.

7. In its refusal reason the Council also referred to whether alternative provision meets the needs and expectations of all members of the community, particularly those who share protected characteristics that affect mobility. The Council's evidence in relation to this point is limited. The Policy position in terms of assessing the suitability of alternative provision is set out in the LP and it is reasonable to assume that this was written to account for all members of the community. It is not clear whether alternative provision closer to the appeal site would address this matter for the Council, or whether it would object to any loss on the basis of the impact on those who share protected characteristics that affect mobility. Furthermore, there is nothing to explain why this matter was not also raised at 203 Church Road. This further reinforces the Council's inconsistent approach.
8. I also need to consider whether this unreasonable behaviour has resulted in unnecessary or wasted expense. Had the Council applied the more generous criteria that it used in its assessment of the case at 203 Church Road and accepted that this approach was relevant to all members of the community, there would appear to be no reason why it would not have concluded that there is a diverse range of alternative public house provision, and the debate about whether nearby provision is within or beyond 800 metres would have fallen away.
9. On this basis the applicant has incurred unnecessary and wasted expense by lodging an appeal against a refusal that should have reasonably been permitted. Therefore, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.
10. Additional matters were raised in the applicant's cost claim; however, I do not need to consider these further as I have found that a full award of costs is warranted based on the matters I have already considered above.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bristol City Council shall pay to Christian Grant Properties Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Bristol City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Tucker

INSPECTOR