
Costs Decision

Site visit made on 6 May 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Costs application in relation to Appeal Ref: APP/Z0116/W/24/3356585 50 Queen Charlotte Street, Bristol BS1 4HE

- 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 Corvette Rengen Armourers Ltd and AEW UK Core Plus Property for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of prior approval for proposed change of use from offices (Use Class E(g(i))) to 45no. studio flats (Use Class C3a), including refuse, recycling and cycle storage at basement level.
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Decision

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

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 Council's officer report confirms that planning permission was granted for the erection of an office block on the appeal site. The planning submission also confirmed that the building was an office block and when walking around the building, it was evident that it was used as offices. Notwithstanding this evidence, if the Council required additional information to confirm compliance with Schedule 2, Part 3, Class MA.1.(1)(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), then additional information could have been requested by the Council. I acknowledge that the Council felt that as the application was to be refused for other reasons it was considered unnecessary to make that request. However, the applicants could have provided the additional information with ease as evidenced by the submission of such details with the appeal. This would have avoided the Council's first reason for refusal and not led to the applicants incurring unnecessary costs in relation to this specific matter.
4. While it was reasonable to expect substantive evidence dealing with contamination, when the applicants provided such a report, it appears that the content was not formally considered, and the Council proceeded to refuse the application on the partial basis that inadequate information had been provided. I have concluded in my appeal decision that the report demonstrates that there is a low risk and the Council could have, therefore, avoided the third reason for refusal had it formally considered the report's contents. I acknowledge that the report was sent to the Council seven working days before the application expired, but it has not been

demonstrated why it was unable to consider the detail in that time and in turn avoid the applicants incurring unnecessary costs.

5. The Council has referred to development plan policies in relation to the second reason for refusal. Those policies did not form the main basis for the concerns raised in relation to cycle and waste storage. The Council undertook an assessment of the proposal in relation to those particular matters and the policies have supported the conclusion that was reached. While I have found that the development would not lead to harmful transport and highway impacts, the Council's concerns were not matters of detail that could have been dealt with through the imposition of planning conditions. Rather they were matters of planning judgement, supported by sufficient reasons. No unreasonable behaviour has occurred in respect of this matter.
6. Whilst the Council acknowledge that a planning officer did not visit the site to look at the context of other buildings in relation to the rear windows on the ground floor, the submitted plans do provide a clear understanding of the closeness of the other buildings to those windows. This is the matter that I have dismissed the planning appeal on, and the Council were therefore justified in their refusal of the application on this particular matter. The Council made a professional judgement on the basis of the information before it and my own findings demonstrate that visiting the site would not have made any difference to the outcome on this particular matter. As such, the Council has not behaved unreasonably in this respect.
7. By not requesting additional information and not formally considering additional information that had been provided, the applicants were not given the opportunity to address two of the four reasons for refusal. As such, the Council behaved unreasonably in this regard and the applicants have incurred unnecessary and wasted expense by seeking to overcome the first and third reasons for refusal as part of the appeal. A partial award of costs is therefore warranted.

Costs Order

8. 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 Corvette Rengen Armourers Ltd and AEW UK Core Plus Property, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in matters relating to the existing use of the building and contamination risks; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicants are 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.

K Reeves

INSPECTOR