
Costs Decision

Site visit made on 2 June 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Costs application in relation to Appeal Ref: APP/Z0116/W/25/3360393 423 Whitehall Road, Redfield, Bristol BS5 7BP

- 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 Crossman Acquisitions Ltd for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of the Council to grant, subject to conditions, planning permission for Conversion and enlargement of existing building to create a large house in multiple occupation (Sui generis) comprising 14 bedrooms and associated works.
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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. In claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably in procedural and substantive terms, stating six grounds. I will address these grounds in turn, using the heading stated by the applicant.
4. Ground 1 – Procedural Unreasonableness – Excessive and Unexplained Delay in Progressing the Application

The application was validated on 27/11/23. The applicant was advised by the LPA on 01/12/23 of a six-month delay in allocating a case officer to deal with the application. A case officer was allotted on 26/04/24, five months after validation of the application. Whilst the timescale for allotting an officer to determine the application is far from acceptable, I find the LPA did not act unreasonably in this regard as it clearly communicated with the applicant in a timely manner, following validation of the application, its timescale to allot a case officer to deal with the application. The applicant would have been within their rights to have submitted an appeal against the LPA for non-determination of the application after the standard timeframe but chose not to.

5. Ground 2 – Substantive Unreasonableness – Reversal of Officer Position Without Evidence

The application was for a 20-bedroom HMO. The applicant notes the first case officer was considering an 18-bedroom HMO scheme, suggesting amendments to

the scheme had already been made during the consideration process, though no evidence of this has been found by the LPA. However, the first case officers' suggestion of preparing pre-commencement conditions for agreement with the applicant would suggest an intention to recommend approval, but the case officer had also advised that the application may be referred to committee. Accordingly, an officer recommendation for approval to a planning committee would not prejudice the ability of the committee to exercise their Planning and Compulsory Purchase Act 2004 section 38(6) duty to determine the application as they chose having regard to the development plan.

However, the first officer left the LPA without pre-commencement conditions being agreed with the applicant, and there is no evidence before me which confirms preparation of either a delegated report or a report and recommendation for submission to the LPA planning committee for consideration. The only evidence before me is the delegated report and decision of the second case officer, which was for refusal of the revised 14-bedroom scheme, as the officer would be entitled to do under their Planning and Compulsory Purchase Act 2004 section 38(6) duty. Accordingly, a reversal of officer position is not evidenced, and I therefore find that the LPA have not acted unreasonably in this regard

6. Ground 3 – Substantive and Procedural Unreasonableness – Introduction of New Issues at Appeal

The applicant considers the LPA to have introduced new issues at appeal, specifically related to external amenity space and the dimension of rooms. However, I find that these were issues that are assessed in the officers delegated report and therefore would have been available to the applicant in preparing their appeal statement, which indeed does address the officers' comments in relation to room shape and sizing. I therefore do not consider that the LPA have acted in either a substantive or procedurally unreasonable way in this regard.

7. Ground 4 – Substantive Unreasonableness – Failure to Consider or Misrepresentation of Submitted Evidence

The applicant avers that the LPA have failed to consider technical information submitted with the application, primarily relating to the Biodiversity Net Gain (BNG) assessment, the HMO Management Plan and the Noise Assessment. However, as none of these elements were reasons for refusal, I do not consider that the LPA have acted unreasonably in this regard.

8. Ground 5 – Substantive Unreasonableness – Misapplication of National Planning Policy

The applicant considers that the LPA have failed to apply national planning policy in the determination of the application, most notably with reference to the 5-year housing land supply (5YHLS) figure of the Council and the subsequent application of paragraph 11d of the Framework. The Council have confirmed their 5YHLS as being 4.14 years. Accordingly, paragraph 11d of the Framework should have been applied in the determination process, which I have found no evidence of the LPA doing.

However, whilst paragraph 11d of the Framework and the 'tilted balance' should have been engaged in the decision process, this does not mean that the result would have altered the decision that the LPA reached in assessing the application,

as they could have found that the harms they found outweighed the benefits of approval, as specified in paragraph 11d, and as the LPA would be entitled to do in exercising their Planning and Compulsory Purchase Act 2004 section 38(6) duty.

I therefore find that whilst the LPA have acted unreasonably in not applying this element of national policy, as the application of paragraph 11d may not necessarily have changed the outcome of their decision, this unreasonable behaviour has not resulted in unnecessary or wasted expense to the applicant.

9. Ground 6 – Substantive Unreasonableness – Failure to Evidence Departure from Statutory Consultees

The applicant considers the LPA to have deviated from the advice of statutory consultees, notably the Environmental Health Officer (on noise), the Housing Team (on HMO licensing standards) and Urban Design officer on design. However, the LPA have noted that the case officer did not consider noise to be a reason for refusal, and that the officer considers more than just compliance with HMO space standards in the determination process, and that the design was considered against policy within the development plan.

The case officer identified their reasoning and assessed the application proposal against the development plan policies in reaching their decision, thereby exercising their Planning and Compulsory Purchase Act 2004 section 38(6) duty. Accordingly, whilst I have done the same in the main appeal and have come to a different conclusion than the LPA, I do not find the LPA to have acted with substantive unreasonableness in this regard.

Conclusion

10. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D R Kay

INSPECTOR