



Costs Decision

Site visit made on 6 October 2025

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Costs application in relation to Appeal A Ref: APP/Z0116/W/25/3359080 267 Hotwell Road, Hotwells, Bristol BS8 4SF

- 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 Mrs Paula Willmore for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of planning permission for a change of use from existing office use (Architects office) to residential accommodation, comprising of five apartments. The proposal features minor internal alterations to the listed building fabric and limited changes to the exterior, preserving the Early Georgian appearance.
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Costs application in relation to Appeal B Ref: APP/Z0116/Y/25/3359084 267 Hotwell Road, Hotwells, Bristol BS8 4SF

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Paula Willmore for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of listed building consent for works associated with a change of use from existing office use (Architects office) to residential accommodation, comprising of five apartments. The proposal features minor internal alterations to the listed building fabric and limited changes to the exterior, preserving the Early Georgian appearance.
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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, 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 applicant believes the Council has behaved unreasonably in that it failed to consider revisions to the proposed scheme that it states were agreed during the application process, and which, in its view, addressed all of the reasons for refusal for Appeal A and Appeal B. The applicant goes on to explain why it considers the revisions address the Council's reasons for refusal.
4. The Council states that it did consider the amended plans submitted by the applicant on 29 July 2024, but did not believe them to be sufficient to resolve the planning issues identified as reasons for refusal on the decision notices.

5. The Council's behaviour in dealing with this proposal has been extremely poor and is manifestly unreasonable. The officer report for Appeal A does not address the Council's Housing Land Supply, and together with the decision notice for Appeal A, is riddled with inaccuracies and inconsistencies.
6. The Council states that it did assess the revised plans, which were submitted weeks before planning permission and listed building consent were refused. However, the revised proposal is substantively different to the original proposal and so would need to have been advertised with reference to Regulations 5 / 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) (the Regulations) and Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (the Order). The revised proposal was not advertised in this way.
7. The titles on both the officer reports and the decision notices refusing planning permission and listed building consent refer to the original proposal not the revised proposal. However, whilst the listed building consent decision notice refers to drawings showing the original proposal, the drawings listed on the planning application decision notice show the revised proposal. This means the drawings listed on the Appeal A decision notice do not relate to the development refused planning permission.
8. Different drawings are shown on the listed building decision notice and the planning decision notice, despite the proposal being the same for both. Furthermore, the content of both officer reports plainly refer to the revised proposal, despite the titles on the officer reports clearly referring to the original proposal, and despite the revised proposal not having been advertised in accordance with the Regulations and the Order.
9. Nevertheless, for an award of costs to be made, it must be shown that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process. I do not accept the applicant's premise that the revised proposal would address all the matters of dispute between the parties and so a full award of costs would not be justified. The revised proposal would have been acceptable in terms of flood risk, albeit this was not one of the Council's reasons for refusal of planning permission.
10. Furthermore, from the submitted evidence, the revised proposal does not show compliance with the Nationally Described Space Standards (NDSS), but that in itself is not determinative. Despite the Council referencing irrelevant policies on its decision notice for its first reason for refusal of planning permission, it was entitled to reach the view it did with regard to the NDSS and internal space based on the evidence before it.
11. However, with reference to bin storage the Council's position is untenable. Despite accepting that this matter could be resolved by planning condition, as stated in the officer report, the Council's second reason for the refusal of planning permission concerns inadequate bin storage. This is plainly unreasonable behaviour. As set out in my main decision, I have concluded that this matter is capable of being dealt with by way of a suitably worded Grampian condition, and so the costs incurred by the applicant in responding to the second reason for the refusal of planning permission at appeal were unnecessary / wasted.
12. In terms of the Council's third reason for the refusal of planning permission, this is wholly unsupported by the officer report, which makes no reference to energy, the

- heat hierarchy or carbon dioxide emissions. The Council did not submit an appeal statement other than its officer report and so did not address this matter at that stage when it had the opportunity to.
13. There is a minor reference to this matter in the Council's costs rebuttal. However, the costs assessment is considered separately to the appeal. Furthermore, the proposed lower ground / ground floor plan for the revised proposal does show provision of an Air Source Heat Pump (ASHP), which, if the Council had considered the amended drawings as claimed and together with the applicant's submitted Energy Statement would have been sufficient to show policy compliance.
 14. The Council's behaviour in failing to substantiate this reason for refusal of planning permission and failing to consider the revised plan was unreasonable and has led to unnecessary / wasted expense by the applicant.
 15. The Council's fourth reason for refusal of planning permission and reason for refusal of listed building consent concern the adequacy of the information provided to understand the historic and architectural significance of the building. However, contrary to the wording on the Council's decision notices, internal drawings and photographs were provided by the applicant, and are also listed on the Council's decision notice, including the Design and Access Statement. In failing to recognise these matters the Council has behaved unreasonably.
 16. The information provided by the applicant in this regard was very limited, which did not help them in making their case. However, I see no reason why the Council would not have been able to reach a conclusion on this matter from the submitted evidence and from a site visit, as I did.
 17. Consequently, the costs incurred by the applicant in responding to the fourth reason for refusal of planning permission and the reason for refusal of listed building consent at appeal were unnecessary / wasted.
 18. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the Council's second, third and fourth reasons for refusing planning permission and the Council's reason for refusing listed building consent and so a partial award of costs is therefore warranted.

Costs Order

19. In exercise of the powers under section 250(5) of the Local Government Act 1972, Schedule 6 of the Town and Country Planning Act 1990 as amended and Schedule 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bristol City Council shall pay to Mrs Paula Willmore, the costs of the appeal proceedings limited to those costs incurred in responding to the Council's second, third and fourth reasons for refusing planning permission and the Council's reason for refusing listed building consent; such costs to be assessed in the Senior Courts Costs Office if not agreed.
20. 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.

Andrew Parkin

INSPECTOR