



Costs Decision

Hearing held on 24 June 13 October 2025

Site visits made on 24 June and 13 October 2025

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Costs application in relation to Appeal Ref: APP/P0119/W/24/3355854

Land to south of High Street/Church Road, Wick

- 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 partial award of costs against Horizon Construction Bristol Ltd.
 - The appeal was against the refusal of permission in principle for '*infill residential development of a minimum/maximum of nine self-build dwellings*'.
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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. The Council alleges that the appellant failed to submit its hearing statement, which was eventually given to the Council at the hearing itself. This led the hearing to be adjourned to a different date, with additional costs accrued to facilitate that second date. The appellant's position is that, with reference to The Town and Country Planning (Hearings Procedure) (England) Rules 2000 (the Rules), specifically Rule 6 relating to the sharing of hearing statements, it was solely the Planning Inspectorate's (PINS) responsibility to circulate the hearing statement to the Council.
4. The appeal was originally submitted under the Inquiry procedure but was started under the hearing procedure. As part of that process, the appellant submitted a new statement of case titled 'Hearing Statement'. This is consistent with Paragraph 2.1.3 of the Procedural Guide: Planning appeals – England (the Guidance). It states that If PINS determines that an appeal, for which an inquiry was requested, should proceed by way of a hearing, there may be a time limited opportunity for the appellant to update their statement of case prior to the appeal being started.
5. The start of the appeal was articulated to the appellant by PINS by letter dated 4 April 2025. The start letter informs that '*The date of this letter is the starting date for the appeal. The timetable for the appeal begins from this date*'. It further states that if full copies of the statement of case have not been sent to the Council, this should be done so immediately. Moreover, Section 10.1 of the Guidance states that, when an appeal under the hearing procedure is started by PINS and a timetable set, at

that point the appellant must send its supporting documents, e.g. its hearing statement, to the Council.

6. Given the above, I find that there was an unambiguous and clear responsibility, which was articulated by PINS and the Guidance, for the appellant to share the hearing statement with the Council upon receipt of the appeal start letter. I would add that it is obvious best practice that key documents should be at least cross copied to the opposite main party in appeals generally.
7. Furthermore, in mid-May the Council proactively asked the appellant several weeks prior to the original hearing date if a hearing statement had been submitted. The appellant mistakenly informed the Council that it had not, and that the appellant was relying on the previously submitted 'pre-Inquiry' statement of case. This error compounded the appellant's initial oversight. It also came at a point where there was the potential for the hearing statement to be shared with the Council in good time and for the eventual adjournment to have been avoided.
8. Therefore, the failure of the appellant to share its hearing statement despite clear guidance and a subsequent explicit request to do so from the Council amounts to unreasonable behaviour. It is behaviour that has resulted in unnecessary expense in the appeal process in respect of the need to adjourn the hearing to a separate date. A partial award of costs is therefore warranted.
9. Even if the Rules do place a separate responsibility on PINS to have shared the hearing statement when the appeal was started, that does not absolve the appellant from their own responsibility to do so nor its failure to do so even when asked about it directly by the Council. This costs application focuses on the behaviour of the two main parties, and consideration of the conduct of PINS in relation to this matter can be made via separate processes in place.

Costs Order

10. 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 Horizon Construction Bristol Ltd shall pay to South Gloucestershire Council, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to the second hearing date; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Horizon Construction Bristol Ltd. to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Matthew Jones

INSPECTOR