



Costs Decision

Site visit made on 3 December 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Costs application in relation to Appeal Ref: APP/P0119/D/25/3374214

Harrows End, Itchington Road, Tytherington, South Gloucestershire, BS35 3TJ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Mayo for a full award of costs against South Gloucestershire Council.
 - The appeal was against the Council's refusal to grant planning permission for the erection of two storey front and side extension to provide additional living accommodation.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (The 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 appellant's reasons for the application were made in writing. In summary, the appellant contends that the Council acted unreasonably in that it delayed or prevented development having regard to the provisions of the development plan and other material considerations, including the provisions of the National Planning Policy Framework (the Framework); failed to present reasonable planning grounds in support of its decision on appeal; relied on vague, generalised and inaccurate assertions about a development's impact, and failed to work proactively with the appellant and to take appropriate account of the personal circumstances of the case.
4. The application leading to this appeal was a resubmission of a previous proposal. It was accompanied by plans and a supporting planning statement. That statement makes little reference to local or national policy, and that to which reference is made is out-of-date. No reference is made to the Framework or to current development plan policies applying to the Green Belt (GB). The Council could in my view be excused for not considering the applicability of the Framework's paragraph 154(g) since it was not relied upon or introduced until the appeal stage. I found the proposal to be inappropriate development in the GB for much the same reasons as the Council, and I do not therefore consider the Council's stance on this aspect to be unreasonable.
5. The householder appeal procedure does not provide the Council with the opportunity to produce a statement of case or comment on the appellant's grounds

of appeal. However, I found the officer report, on which reliance is placed in these appeals, to be detailed and comprehensive providing a reasonably clear and balanced account of why the proposal was considered unacceptable. I fully understood the Council's case, even though I may not have shared some of the conclusions reached.

6. Whilst I did not share the Council's assessment on design and visual impact issues in the substantive appeal, it was entitled under the terms of local and national policy to arrive at a decision based on its subjective judgment, including the impact of the development on the character and appearance of the host property and its surroundings. Such matters almost invariably boil down to the application of opinion based on planning judgment and the Council is perfectly entitled to adopt its own.
7. In countering the application for costs the Council refers to its recently adopted Service Standards and there is no evidence that it departed from those standards in determining the application. Additionally, the Council makes the valid point that the appellant did not avail himself of the pre-application service offered by the Council, which can provide an enhanced opportunity for discourse. There is also the reasonable expectation expressed in the Council's Standards that the content of applications should be of a high standard, as many are.
8. I am satisfied the Council took account of the personal circumstances of the applicant, although I consider the way it dealt with the issue was not ideal since it appears to me that materiality became confused with the weight to be attributed to it. The Council cannot rightly be criticised, particularly taking account of the GB policy context, for considering such matters as the permanence of the scheme; that the property could be sold tomorrow with planning permission, and that no personal permission could reasonably be granted. The weight to be attributed to a material consideration is a matter for the decision maker, and the Council was entitled to arrive at its own judgment on this aspect.
9. The Guidance advises that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, as in my view they have done in this case, they should not be liable for an award of costs.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated, and the application is therefore refused.

G Powys Jones

INSPECTOR