



Costs Decision

Site visit made on 20 January 2026

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Costs application in relation to Appeal Ref: APP/Z0116/X/24/3357944

76 Birchall Road, Redland, BRISTOL, BS6 7TU

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs C & G Partridge for a full award of costs against Bristol City Council.
 - The appeal was against the refusal of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development for Hip to gable and rear dormer loft conversion. Demolition of small hipped roof connected to the original roof.
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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 basis for the appellant's application is that the LPA has not determined similar cases in a consistent manner and issued a refusal notice without warning following an earlier refusal and discussion of other similar lawful development certificate (LDC) applications approved.
4. The LPA's response as regards other similar applications approved is that a LDC cannot be issued 'simply because the Council have previously determined outwardly similar developments to be lawful'. I recognise that LDC applications are necessarily determined by their particular facts. However, the other LDC applications referenced by the appellant are entirely comparable as regards the point of interpretation in issue i.e. whether the roof volume of a single storey extension should be included within the Class B¹ volume allowance. The LPA has not offered any substantive explanation for determining other cases differently on this point.
5. As to the issue of a decision notice without warning, the LPA advises that the LDC application in question was a resubmission of a previous application and that the appellant could instead have elected to reduce the size of the roof extension as suggested by the LPA. The appellant has though explained that while the application was a resubmission in the sense that the proposed development was not altered, the LDC application which was appealed included additional

¹ Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015

information related to volume calculations, along with evidence related to similar applications as described above.

6. In this context, it was in my view unreasonable for the LPA to proceed straight to a refusal without some engagement as regards this information. Indeed, I found in my appeal decision that the appellant's volume calculations were likely to be correct on the balance of probability and that the LPA's assessment inclusion of the single storey extension roof volume in the Class B volume allowance was incorrect.
7. The LPA has acted unreasonably for the reasons explained and if this unreasonable behaviour had not occurred, the appeal could have been avoided. Thus, the LPA's unreasonable behaviour has caused wasted expense being the appellant's costs of pursuing the appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

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 Mr & Mrs C & G Partridge, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

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.

V Bond

INSPECTOR