

Costs Decision

Site visit made on 27 September 2016

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2016

**Costs application in relation to Appeal Ref: APP/N4720/W/16/3155052
Barn at Springwood Hall, Priesthorpe Road, Farsley, Leeds, West Yorkshire
LS28 5RE**

- 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 Ms Joanna Lowe for a partial award of costs against Leeds City Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of agricultural building to form two dwellings.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be award 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 application is for a partial award of costs. The applicant considers that the Council behaved unreasonably by misinterpreting the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (The GPDO), Schedule 2, Part 3, Class Q.1 (g). The applicant claims that reason for refusal No 2 was flawed and they should not have had to defend this reason and have incurred additional costs in having to do so. Therefore, the Council has behaved unreasonably on substantive grounds.
 4. The Council's officer report and appeal submission explains the reasoning for their decision and sets out clearly why they consider the proposal would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. It is clear that they consider that by lowering the floor and ground level within and around the building, it would result in an increase in the buildings height and its existing external dimensions extended. An assessment of the proposal has been made by the Council against the requirement of Class Q.1 (g), and in the absence of any clear guidance on how the provisions of Class Q.1 (g) should be measured; I believe that the provisions of this Class are open to some interpretation. The Council were not therefore unreasonable in coming to their decision based on their reasoning.
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5. It will be seen from my decision that I did not agree with the Council's decision in respect of this issue, however I am satisfied, for the reasons given above, that the Council adequately substantiated its reason for refusal No 2.
6. I therefore conclude unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated, and an award of costs is therefore not justified.

Elizabeth Pleasant

INSPECTOR