
Costs Decision

Site visit made on 11 October 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 11 November 2016

Costs application in relation to Appeal Ref: APP/W4705/W/16/3153275 The Knowle, 50 Knowle Lane, Wyke BD12 9BG

- 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 Mr Richard Pyrah for a full award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of conversion of stables to dwelling.
-

Decision

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

Reasons

2. The Planning Practice 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 Council's decision had two reasons for refusal which referred to:
 - A new dwelling in the Green Belt.
 - The potential use of sustainable drainage techniques.
 4. In relation to a new dwelling in the Green Belt, the applicant contends that the Council have misdirected themselves and that they should have assessed the proposal as being for the conversion of a building to a dwelling. However, I have stated in my appeal decision that I do not consider that the proposal could be considered as the conversion of a building under the specifications of the relevant policy of the development plan i.e. Policy GB4 of the Replacement Unitary Development Plan for the Bradford District 2005 (UDP). The Council has assessed the proposal as being for a new dwelling under Policy GB1 of the UDP in relation to development in the Green Belt and I am satisfied that they did not behave unreasonably in doing so. Indeed, I have agreed with the assessment of the proposal against this Policy for the reasons given in my appeal decision.
 5. In relation to sustainable drainage, no substantive evidence has been brought to my attention to demonstrate that sustainable drainage cannot be provided on the site and I have concluded that this can be addressed by a planning condition. It seems to me that the Council has been unable to substantiate this reason for refusal or consider if it could be addressed by the use of a condition, and this does therefore amount to unreasonable behaviour. However, on the
-

matter of wasted expense, the applicant's response on this issue has referred to matters which were submitted with the planning application or which were readily available based on the responses of consultees. It seems to me that, in effect, there has been only very minimal extra work in responding on the matter of sustainable drainage. In effect the applicant has quickly and easily rebutted the Council's position on this matter without wasting expenditure.

6. As a result, although I find that the Council acted unreasonably in not substantiating the reason for refusal dealing with sustainable drainage, it has not caused unnecessary or wasted expense. Therefore no award is made.

David Cross

INSPECTOR