
Costs Decision

Site visit made on 31 January 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 3 March 2017

**Costs application in relation to Appeal Ref: APP/X4725/W/16/3161992
25 Broomhall Avenue, Wakefield, West Yorkshire WF1 2AZ**

- 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 Brian & Mrs Pat Abram for a full award of costs against City of Wakefield Metropolitan District Council.
 - The appeal was against the refusal of planning permission for residential development (1 No. Dwelling).
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Decision

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

Reasons

2. The case for the award of costs, the rebuttal and subsequent response have all been made in writing and I shall, therefore, not repeat them here.
 3. It is normal for the parties in an appeal to meet their own expenses. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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.
 4. This costs decision is not the place to re-run the merits of the appeal which are set out in the Appeal Decision.
 5. In seeking costs, the appellants take the view that the proposal accords with policy which relates to the matter of character and appearance. Whilst the appellants may not agree with the Council's opinion on this matter, it is one of judgement and there is no call to say that the Council was unreasonable in this regard, merely that it took a different stance to the appellants as, indeed, do I. Thus, the Council has not prevented or delayed development which should clearly be permitted having regard to the development plan and evidence has been provided to substantiate the reason for refusal, which was clearly expressed. Whilst the appeal statements have expanded on the reason for refusal the fundamental reason for refusal has not changed.
 6. The Council considered the fall-back position in arriving at its decision, so again I find no unreasonable behaviour in this respect. The Council does not consider that the fall-back position is such that this appeal should be allowed and nor do I. The suggested amendments would not overcome the harm identified and
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nor could conditions. Thus, unreasonable behaviour has not been demonstrated in this regard either.

7. I have found nothing inconsistent in the Council's approach between the appeal scheme, the extant permission or indeed the planning permission granted at the neighbouring property. Rather, each is materially different. Thus, it is not unreasonable to treat them differently.
8. In this case I consider that further negotiation would not have been able to resolve matters. Thus, I do not consider that the Council behaved unreasonably in not seeking to negotiate a solution to the disagreement on a fundamental point. I also note that the appellants explain that pre-application discussion would not have helped, essentially because of the acknowledged difference of opinion.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Zoë HR Hill

Inspector