
Costs Decision

Site visit made on 27 March 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 19th April 2017

**Costs application in relation to Appeal Ref: APP/N4720/D/17/3168926
6 Alderton Rise, Leeds, West Yorkshire, LS17 5LH**

- 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 Shahzad Osman for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for the installation of a metal fence and metal driveway gates to the front of the house. They will be 1.5m tall. Gate 2m tall.
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Decision

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

Reasons

2. The National Planning Practice Guidance states that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. It is appreciated that the appellant has incurred costs seeking planning permission for the gates and fence. However, as set out in my appeal decision, I agree with the Council that the appeal scheme is an uncharacteristic and visually intrusive form of development that detracts from the streetscene within Alderton Rise. As a result, the Council did not behave unreasonably in refusing planning permission, and I have seen no evidence that the application was refused vindictively.
4. I therefore conclude that unreasonable behaviour resulting in unnecessary expense in the appeal process, as described in the National Planning Practice Guidance, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

Matthew Birkinshaw

INSPECTOR
