



Costs Decision

Site visit made on 1 August 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date:

Costs application in relation to Appeal Ref: APP/W4705/D/17/3175072 110 Skipton Road, Ilkley LS29 9HE

- 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 Doyle for a full award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of planning permission for a detached car port with an office above plus associated works.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an 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.
3. The appellant's application for costs is based on the view that the appeal was unnecessary because the Council's decision was made against the recommendation of its planning officers and with a lack of evidence to substantiate the reasons for refusal.
4. The Council's decision was based on the effect of the proposal on the character and appearance of the Ilkley Conservation Area, and including the effect on trees; whether adequate access would be provided; and the effect on the living conditions of occupiers of properties on Riverside Walk. The Council's reasons for refusal are complete, precise, specific and relevant to the planning application, clearly explaining on what grounds the Council considered the proposal not to be acceptable. They also include the relevant policies of what was the Development Plan at that time, the Replacement Unitary Development Plan for the Bradford District (2005). The Council minute is consistent with the reasons for refusal.
5. A planning decision is one of a matter of judgment and the Council Members are entitled not to accept the professional advice of their officers so long as a case can be made for a contrary view. I note the appellant's views about how the Area Plans Panel made its decision, although it is the prerogative of the decision maker to attribute weight to such considerations as they see fit and there is no substantive evidence before me that the Council's decision was based on anything other than objective analysis of the relevant merits of the case.

6. Whilst I have come to a contrary view to the Council, I am not persuaded that that the reasons for refusal amount to vague, generalised or inaccurate assertions about the proposal's impacts. I consider the Council's case does not therefore amount to one that is unsubstantiated or lacks evidence.
7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not therefore justified.

Darren Hendley

INSPECTOR