



Costs Decision

Site visit made on 11 June 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 24th July 2019

Costs application in relation to Appeal Ref: APP/N4720/W/19/3225013 Agricultural Building/ Barn, Adjacent to The Beeches, Backstone Gill, Wike, Nr Leeds LS17 3JS

- 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 Leeds City Council for a full award of costs against Mr Eric Pickard.
 - The appeal was against the refusal of the Council to grant approval required under Schedule 3, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of the existing building to a single detached dwelling, the existing position, footprint and profile will be retained as will the existing site curtilage and site entry.
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Decision

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

Reasons

2. 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.
3. The application is seeking to recover the full costs incurred in the appeal process. The Council considers that the appellant behaved unreasonably in this case by progressing the appeal when it should have been clear from the Council's case, and Paragraph X of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), that there was no reasonable prospect of the appeal succeeding. This is on the grounds that the curtilage of the agricultural building was larger than the land occupied by the agricultural building, and the proposal would not therefore meet the requirements of Class Q(a) of the GPDO.
4. In response, the applicant points out that a revised plan which reduced the extent of the curtilage was submitted to the Council during the processing of the application. However, this was not accepted by the Council. In this respect, the appeal statement is explicit in that, although a further plan was submitted to the appeal for information purposes, the location plan which was determined by the Council formed the basis for the appeal.
5. It will be seen from the appeal decision that I concurred with the Council's assessment of the scheme and have dismissed the appeal. The extent of the

curtilage was a matter of fact and not planning judgement and it should therefore have been clear to the applicant that there was in reality no likelihood that the appeal could succeed.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that an award of costs is justified.

Costs Order

7. In the exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr Eric Pickard shall pay to Leeds City Council, the costs of the appeal proceedings described in the heading of this decision.
8. The applicant is now invited to submit to Mr Eric Pickard, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Sarah Manchester

INSPECTOR