
Costs Decision

Site visit made on 18 June 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 31st July 2019

**Costs application in relation to Appeal Ref: APP/N4720/W/19/3224426
39 Third Avenue, Wetherby, Leeds LS22 6JR**

- 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 Gould for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for a single dwelling to side, single storey rear extension and dormer to 39 Third Avenue.
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Decision

1. The application is refused.

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 causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant has applied for a full award of costs on the grounds that the Council behaved unreasonably by preventing or delaying development which is in accordance with the development plan and should therefore have been permitted and also by failing to substantiate the reasons for refusal.
4. The planning decision is one which is a matter of judgement. As can be seen from my appeal decision, I agree with the Council that there were sufficient grounds for refusing planning permission on grounds relating to the impact of the proposal on character and appearance. It therefore follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal. Consequently, I cannot agree that the Council has acted unreasonably in this case and do not consider that the Applicant incurred unnecessary or wasted expense in the appeal process.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case.

Sarah Manchester

INSPECTOR