



Costs Decision

Site visit made on 29 October 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Costs application in relation to Appeal Ref: APP/W4705/W/19/3234877 5 Dale View, Ilkley, LS29 9BP

- 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 William Scott for a full award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of planning permission for 'resubmission of 18/01209/FUL. Change of use from adopted highway to private curtilage.'
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Decision

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

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (PPG) advises that costs may 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. Costs may be awarded to any party regardless of the outcome of the appeal.
4. The Guidance also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
5. I have nothing before me to demonstrate why the appellant considers costs should be awarded, other than an amount owed for the appeal submission itself.
6. Notwithstanding the original positive officer recommendation, a planning committee is not bound to accept the advice of officers, especially where, as in this case, a matter of planning judgement is involved. I have been provided with the relevant Development Control Committee minute and a transcript of that meeting from the Council. On my reading the views given clearly relate to

character and appearance, amongst other things. The Council's reason for refusal set out in the decision notice is complete, specific and relevant to the application with regards to character and appearance. It also clearly indicates that the proposal was determined in accordance with the relevant development plan policies.

7. Whilst I appreciate that the appellant does not agree with the committee's consideration and opinions relating to the effect of the proposal, the issue at the heart of the appeal involves matters of planning judgement. Given its conclusions I am satisfied these were properly reached.
8. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

Conclusion

9. With the above in mind, I find that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense. A claim for costs is not therefore justified and accordingly it is hereby recommended for refusal.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

S Ashworth

INSPECTOR