
Costs Decision

Site visit made on 6 August 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Costs application in relation to Appeal Ref: APP/N4720/W/19/3229437 Land adjacent to Unit F, Hollin Park Court, Calverley, Leeds, West Yorkshire LS28 5NB

- 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 Mark Richardson of Holly Park Caravan Storage for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for a change of use of land to store caravans (B8 Use).
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Decision

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

Reasons

2. The Planning Practice Guidance 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.
3. In making an application for an award of costs the appellant has indicated that the Local Planning Authority (LPA) acted unreasonably in refusing the application which he considers could have been made acceptable by the imposition of planning conditions to restrict the opening hours of the site. The appellant states that he would have been content with such conditions as set out in his email to the LPA on 28 April 2019 but that this was ignored.
4. In response the LPA state that they never received this email from the appellant and in any case that they considered conditions to control the use of the site would have been difficult to monitor and enforce. In refusing the planning application the LPA provided a single clear reason for refusal supported by a detailed report and which is amplified by an appeal statement.
5. I can see that the email sent from the appellant to the LPA on 28 April 2019 contains a spelling mistake in the email address of the addressee and therefore it is unlikely that this would have been received by the LPA. Notwithstanding this, the LPA had considered the use of planning conditions and concluded that they would not meet the tests of reasonableness or enforceability as set out in paragraph 55 of the National Planning Policy Framework (the Framework).
6. It can be seen from my decision that I agree with LPA in this regard and therefore consider that planning conditions would not have overcome the

issues raised. I am therefore satisfied that the LPA acted reasonably in refusing the appeal proposal and it was able to substantiate its reason for refusal.

7. Consequently, I cannot agree that the LPA has acted unreasonably in this case. As such, there can be no question that the applicant incurred unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and thus an award of costs is not justified.

Jeff Tweddle

INSPECTOR