



Costs Decision

Site visit made on 7 July 2020

by **Alison Scott BA(Hons) DipTP MRTPI**

Decision date: 24 July 2020

Costs application in relation to Appeal Ref: APP/X4725/W/20/3252232 Wintersett Farm Court, Ferry Top Lane, Wintersett, Wakefield WF4 2EB

- 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 Mrs L Trnikova for a full award of costs against Wakefield Council.
 - The appeal was against the refusal of planning permission for the erection of Three Link-Semi-Detached Dwellings.
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Decision

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

Reasons

2. Paragraph 30 of the government's Planning Practice Guidance ("the PPG") advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council has not determined the proposal properly as Wintersett should be considered a village where in-fill development is not considered to be inappropriate development within the Green Belt, in accordance with the National Planning Policy Framework (the Framework). As a result, they maintain that the Council have acted unreasonably and they have incurred unnecessary expense.
4. The Council refused the planning application on the grounds that the proposal is inappropriate development with no very special circumstances to justify the development that as a result of its inappropriateness, would be harmful to the openness of the Green Belt.
5. There is evidence presented by the Applicant to demonstrate that Wintersett is a village for the purposes of considering the proposal as appropriate for limited in-fill within a village. Furthermore, they have provided evidence of a previous application at the site from 1991 that would also defend Wintersett as being described as a village, although that application was refused permission due to the site being considered to be too large a gap to be infill development.
6. However, regardless of that former application, determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Council were not inconsistent in coming

to their present decision as this was based on the most up to date development plan that sets out the Council's Core Strategy 2009 does not include Winterset within the development hierarchy. Indeed, I have concurred with the Council and agree that policy 145 e) of the Framework cannot be applied in this instance.

7. I appreciate the Applicant's disappointment regarding the outcome of the planning application having undertaken the Council's pre-application advice service. This service is nonetheless not binding of the Council to make a positive decision. I am of the view that at application stage, the Council have assessed the principle of the proposal correctly against their own policies and the Framework, and the development cannot be considered as limited infilling in a village.
8. Although scale was to be a reserved matter, the indicative illustrations that supported the proposal provides a very clear indication of the scale of it, alongside the Design and Access Statement. As the Council have found the proposal to be inappropriate development, I do not agree that they were erroneous to consider the scale of the proposal and its effect on the openness of the Green Belt. The Council were not unreasonable in coming to that decision.
9. Complaints regarding the Council's timeliness to reach a decision are noted, however, the Applicant did not need to agree to the Council's request for an extension of time. Nor do not I consider complaints regarding the Council's Highway's team comments amounts to unreasonable behaviour.
10. None of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that no unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated.

Alison Scott

INSPECTOR