



Costs Decision

Site visit made on 7 September 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

**Costs application in relation to Appeal Ref: APP/W4705/W/20/3254772
Agricultural building off Tarn Lane, Laycock, Keighley (Easting: 403386,
Northing: 441764)**

- 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 Declan Leonard for a full award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of planning permission for conversion of agricultural building south of Tarn Lane to single dwellinghouse.
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Decision

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

Reasons

2. 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.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. It is put to me that the Council has prevented and delayed development which should clearly be permitted, has provided vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis and failed to substantiate its reasons for refusal.
5. The proposals before me have made several meaningful changes from the previous scheme and I recognise that the Council's officer report did not assess in detail the changes made. However, even if I were to conclude that the Council acted unreasonably in its analysis, it can be seen from my decision that I agree with the Council's conclusion that the location of the appeal building makes it undesirable for it to change from agricultural use to a dwelling.
6. Moreover, I agree with both the previous Inspector and the Council that such an assessment does fall within the scope of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
7. In this respect the Council has not prevented or delayed development which should clearly be permitted and there has not been any wasted expense during the appeal process.

8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Robert Walker

INSPECTOR