
Costs Decision

Site visit made on 5 January 2021 by C McDonagh BA (Hons) MA MRTPI

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Costs application in relation to Appeal Ref: APP/W4705/D/20/3261088 The Croft Cottage, Lee Lane, Bingley, Bradford BD16 1UB

- 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 Robert Farnell for a full award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of planning permission for a first floor rear extension over existing ground floor extensions.
-

Decision

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

Appeal 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. A local planning authority is at risk of an award of costs for, among other reasons, preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The application for costs centres on two concerns; firstly, that the Council based their first reason for refusal on an incorrect calculation of the original dwelling; and secondly, that the second reason for refusal was self-manufactured by requesting amendments to the plans which were then refused regardless.
6. The calculations presented by the parties differed significantly. However, there is no prescribed percentage increase which is considered appropriate within Green Belt policy either in the development plan or the National Planning Policy Framework (the Framework). This remains a matter of planning judgement based on any individual case and its circumstances. The officer report makes it sufficiently clear that the Council's objections centre around the effect of the

proposed development on the fundamental aim of Green Belt policy in keeping land permanently open. Accordingly, I am satisfied that the Council's decision was clearly supported with substantive reasons based on the assessment of the site and interpretation of relevant local and national policy. Furthermore, even using the applicant's figures, I have found that the proposal would be a disproportionate addition and therefore unacceptable in this regard. The Council also confirm this would have been its approach. Therefore, even if the Council's approach could be considered unreasonable behaviour, there would have been no wasted expenditure as a result.

7. The applicant also alleges that the Council requested amendments were made to the roof of the proposed extension. These amended plans were then refused. The Council denies that it requested amendments to the roofline and states that no amended plans were received. I have nothing substantive before me to indicate either way. Regardless, there is no obligation to approve amended plans as proposals often evolve through the application process. As such, I cannot reach the conclusion in this case that the Council acted unreasonably in this regard.
8. To conclude, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

9. 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.

Zoe Raygen

INSPECTOR