
Costs Decision

Site visit made on 1 February 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Costs application in relation to Appeal Ref: APP/W4705/W/20/3263242 Holmewood Social Club, Broadstone Way, Bradford BD4 9DY

- 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 J Cordingley (Crag Investments Ltd) for a full award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing social club and erection of single storey convenience food store for Heron Foods and 3 ancillary shop units.
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Decision

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

Reasons

2. The reasons why the applicant considers that the Council has acted unreasonably relate to procedural matters connected to the consideration of the appeal proposal by the Council's Planning Committee. However, for an award of costs application to be successful, the Planning Practice Guidance advises it must be demonstrated both that a party behaved unreasonably and that the applicant incurred unnecessary or wasted expense in the appeal process.
3. The minutes of the Council Planning Committee at which it resolved to refuse planning permission and the decision notice both identify the Councils' concern that the proposed development duplicates existing retail uses within the Holme Wood Local Centre and so it would harm the vitality and viability of the Local Centre. Relevant development plan policies are identified in both documents.
4. I have found in my decision that there is insufficient evidence provided with respect to the sequential test and whether the proposal would cause harm to the vitality and viability of the Local Centre, and therefore whether it would comply with the development plan. Accordingly, the Council's concerns in this respect were well founded, they provided a sound reason for refusal and the appeal could not have been avoided.
5. With respect to the reason for refusal relating to the Holme Wood & Tong Neighbourhood Development Plan, the Council set out its position as to the weight it gave to this document. In any event however, I have found that this matter is not determinative to the outcome of the appeal, given my findings on the evidence that had been provided in relation to the matter which formed the other reason for refusal. There was therefore no unnecessary or wasted expense occurred in this respect either.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and the application for costs fails.

Graham Wright

INSPECTOR