



Costs Decision

Site visit made on 20 September 2021

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Costs application in relation to Appeal Ref: APP/W4705/W/21/3279494 27A Langley Lane, Balidon BD17 7LH

- 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 G Hallett for a full award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of planning permission for a detached dwelling on land adjacent to No 27a Langley Lane Balidon.
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Decision

1. The application for an award of costs is allowed in the terms set out below

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. The applicant's claim is based upon the advice that the Council provided at the pre-application stage. The PPG confirms that costs applications may relate to events before the appeal was brought although costs that are unrelated to the appeal are ineligible.
3. In this case, the applicant states that a positive pre-application assessment encouraged a formal submission which was then refused. The National Planning Policy Framework (the Framework) at paragraph 39 encourages pre-application, early engagement which it states has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. It goes on to say that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
4. I have been provided with the pre-application response from the Council but not the submissions made by the appellant so I cannot be certain whether the pre-application advice was based upon the same proposal as is before me in the appeal. I do acknowledge however, that in their rebuttal to the costs application the Council state *'it is agreed that the pre-application enquiry submitted is very similar to this appeal.'*
5. The Council states in their pre-application response that the principle of the single dwelling appears to be acceptable, it goes on to state that the required separation distances and living conditions appear to be sufficient. Finally, the pre-application advice provided guidance on engagement with Network Rail

outlining that certain details would require their agreement. Overall, the substance of that response was positive and did not discourage the submission of a planning application.

6. The Council now state that the proposal would have a detrimental impact on the living conditions of both future and existing occupiers, that it would cause harm to the character and appearance of the area and finally raises concerns with reference to the nearby railway tunnel and land stability. The Council do not appear to dispute the overall principle of development.
7. It will be seen from my decision that for the most part I agree with the Council's reasons for refusal although I accept that it is a matter of professional judgement for the decision maker. I also note that the technical matters in relation to the railway tunnel were raised at pre-application stage and were not, despite the appellant's efforts to engage with Network Rail, brought to a suitable resolution.
8. I acknowledge the appellant's frustration at the application process and the Council's engagement however, the reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application and the relevant Development Plan policies are cited. I am therefore satisfied that the Council has adequately substantiated its reasons for refusal and has not resulted in any unnecessary or wasted expense in the appeal process.

Conclusion

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

J Hunter

INSPECTOR