



Costs Decision

Site visit made on 27 April 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date:

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 City of Wakefield Metropolitan District Council.
 - The appeal was against the refusal of planning permission for a development described as: Proposed Residential Development: Three Link Semi-Detached Dwellings.
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Decision

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

Preliminary Matter

2. The original decision in respect of this appeal was quashed by the High Court. A Costs Decision was issued in connection with that decision which was not challenged and remains extant. A further application for costs was made in connection with the redetermination of the appeal and my consideration of the application for an award of costs is, therefore, limited to matters relating to the re-determination of the appeal only.

Reasons

3. The Planning Practice Guidance 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.
4. The application for an award of costs is predicated on the substantive grounds that the Council acted contrary to, or did not follow, well-established case law. Costs are also sought on the procedural grounds that the Council failed to provide relevant information to the Appeal and failed to engage with the re-determination process.
5. Although the Council maintained its position that it does not consider Wintersett to be a village for the purposes of the Green Belt exceptions set out in Paragraph 149 of the National Planning Policy Framework, it did make further submissions during the re-determination of the appeal which elaborated on the arguments it had previously made. These included an, albeit brief, assessment of the form and characteristics of the settlement, concluding that it was not a village. These same additional submissions also accepted that the proposal could constitute limited infilling if Wintersett could be considered to be a village.

6. Whilst, ultimately, I did not accept the Council's arguments in respect of the status of the settlement, I am satisfied that the arguments that were put forward indicate that the Council was mindful of the relevant case law and sought to apply it to the facts of this case as it saw them. I do not find that the Council's actions were unreasonable in this regard.
7. On the procedural grounds, as set out above, the Council did make further submissions in respect of the re-determination of the appeal. Consequently, I am satisfied that it took reasonable steps to engage with the process and provide relevant information.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

John Dowsett

INSPECTOR