
Costs Decision

Site visit made on 12 May 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

**Costs application in relation to Appeal Ref: APP/X4725/W/21/3268490
Land off Wakefield Road, Town End, Pontefract, West Yorkshire WF8 4HW**

- 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 Duffy, Mr Duffy and Mr Davies for a partial award of costs against City of Wakefield Metropolitan District Council.
 - The appeal was against the refusal of planning permission for twenty-two (22) dwellings including associated works.
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Decision

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

Reasons

2. 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.
3. The power to award costs relates to costs necessarily and reasonably incurred in the appeal process. It is the applicant's case that the Council behaved unreasonably resulting directly in them incurring unnecessary expense in preparing evidence to address the Council's first reason for refusal relating to highway matters.
4. Contrary to statements made by the appellant on the basis of the evidence before me it is clear that the Council did consider the technical evidence submitted to support the application and the advice of Officers. It is not incumbent upon members to follow that advice and they may reach different conclusions.
5. While in determination of the appeal I have not agreed with the Council, the reason for refusal was articulated and supported, in particular, by objections from local residents and I saw on site that the road from which the appeal scheme would be accessed was particularly busy.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mark Brooker

INSPECTOR