



Costs Decision

Site visit made on 2 November 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Costs application in relation to Appeal Ref: APP/N4720/W/21/3279495 51 Monkswood Drive, Seacroft, Leeds LS14 1DW

- 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 Hussain for a partial award of costs against Leeds City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for Side extension to each side of existing building. Containing in total 4no flats of 2no. two-bedroom and 2no. one-bedroom flats.
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Decision

1. The award for partial costs is dismissed.

Reasons

2. Paragraph 30 of the national Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council has acted unreasonably by failing to co-operate with them and missed deadlines. The Applicant has submitted an appeal against the failure of the Council to determine the application within a given timescale.
4. The Applicant submitted the application on approximately 16 March 2021. Whilst the application's eight week determination date was listed as 14 May 2021, no case officer was appointed until around 9 July 2021.
5. The Applicant was informed of the Council's significant delays via email on 20 May 2021 and again later on 4 June 2021. This was explained to be due to staff shortages. Nevertheless, during the waiting time for appointment of a case officer, the relevant Council consultation exercises were undertaken including the transport team. External neighbour notification letters were also issued during this time.
6. Comments from the Council's Transport Development Services as consultee was made on 28 April 2021, and accordingly displayed on the Council's public access system.

7. I can see from the Applicant's submitted document that he responded quickly to the Council on this matter, and on 12 May 2021 the Applicant submitted additional information by way of drawings and other material to the Council for consideration. The proposal was therefore being progressed in some capacity.
8. As well as citing highway matters, the planning officer was clear in their email of 12 July 2021 that they had reservations about the visual appearance of the building.
9. Whilst there has been significant delay in the Council allocating a case officer, this could not be seen as unreasonable behaviour as it was explained why the delays had occurred, and including the particular circumstances of the Covid-19 pandemic, delays to the service would be inevitable.
10. There has been limited negotiations between the two parties. The Council did however explain their concerns regarding the proposal at the first opportunity to do so, to which I agree with the Council as I too have found harm would arise to the character and appearance of the area.
11. The Council have also stated that they were willing to negotiate with the Applicant, and I have no reason to suggest that this was not a genuine sentiment. Should negotiations between the parties have occurred, this may have avoided the particular appeal route they sought to pursue. However, the Applicant chose not to progress in further contact with the Council and sought to appeal the development.
12. To this end, none of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that no unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated.

Alison Scott

INSPECTOR