



Costs Decision

Site visit made on 16 November 2021

by M L Milliken BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Costs application in relation to Appeal Ref: APP/W4705/W/21/3271302 Land at Scalebor Park Farm, Burley in Wharfedale (Easting 415593, Northings 446182)

- 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 and Mrs Hornby for a partial award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of planning permission for development described as *'New house of exceptional quality'*.
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Decision

1. The application for a partial 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 that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicants submit that the Council failed to properly evaluate the application and produce a professional and balanced committee report, and that the report was seen as wilfully misleading or biased against the proposals in a number of ways. A partial application of costs is applied for on that basis.
4. Having had regard to the committee report, I do not consider that key factors in relation to the design features of the proposed dwelling were omitted. The report reads as a professional recommendation to the planning committee for refusal of the application, and it contained sufficient information upon which the planning committee could make its judgement.
5. Whilst I note there are differences between the main parties by way of their interpretation of relevant paragraphs of the National Planning Policy Framework, I do not consider that this was material to the decision that was arrived to by the Council. Further, the summarising of consultation responses in committee reports is not unusual, and I am satisfied that the consultation responses to the application were available to members and other parties in full on the Council's website or otherwise upon request.
6. However, even if there was concern regarding an unbalanced committee report, I am satisfied that the planning committee offered the applicants the opportunity to present their case and to address any concerns regarding bias

that they may have held. I am also satisfied that committee members had the opportunity to speak and to ask questions in relation to the proposal.

7. Overall, I do not consider that the Council failed to properly evaluate the application or produced a wilfully biased or misleading committee report. It is clear to me that the Council had reasonable concerns about the effect of the proposed development and, whilst I appreciate that the outcome of the application will have been a disappointment to the applicants, the Council were not unreasonable in coming to their decision. Indeed, following consideration of the details and merits of the scheme, I have concurred with the Council's assessment.
8. I therefore conclude that for the reasons set out, neither procedural nor substantive unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has been demonstrated. For this reason, and having regard to all other matters raised, a partial award for costs is therefore not justified.

ML Milliken

INSPECTOR