
Costs Decision

Site visit made on 15 February 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Costs application in relation to Appeal Ref: APP/W4705/W/21/3288868 29 Lucy Hall Drive, Baildon BD17 5BH

- 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 Andy Moss for a full/partial award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of the Council to grant planning permission for an outline application (including details of scale only) for the erection of 1 dwelling.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The claimant states that the costs application is made on the basis of the unnecessary costs incurred through having to submit a revised application that had initially been refused.
4. The evidence indicates that an earlier planning application for the erection of two detached dwellings was refused (LPA Ref: 20/00157/OUT). This was followed by a later application (LPA Ref: 21/01175/OUT) which is the subject of the planning appeal to which this costs claim is attached.
5. As such, the costs claim does not relate to the appeal process and therefore I cannot award costs on the grounds that are claimed. Further, PPG² makes it clear that costs cannot be claimed for the period during the determination of the planning application.
6. In any event, there is nothing to indicate that the Council has behaved unreasonably. The refusal of the application to which the appeal relates was adequately supported and substantiated within the evidence.
7. A topographical survey would be a normal document to submit alongside such planning applications and if the claimant has concerns with regard to their dealings with the Officer of the Council, then it could be up to them to engage with the Council's complaints process.

¹ Paragraph: 030 Reference ID: 16-030-20140306

² Paragraph: 033 Reference ID: 16-033-20140306

Conclusion

8. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR