
Costs Decision

Site visit made on 22 February 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Costs application in relation to Appeal Ref: APP/N4720/W/21/3288958 2 West End Rise, Horsforth, Leeds LS18 5JH

- 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 & Mrs Colin & Julie Hattersley for a full/partial award of costs against Leeds City Council.
 - The appeal was against the refusal of the Council to grant planning permission for the change of use of part of alleyway to garden area.
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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 costs application is effectively made on the basis that the Council has acted in an unjust manner in refusing the application.
4. However, as can be seen within the decision letter, some of the concerns raised by the Council were justified. Consequently, the Council has not acted to prevent development which should have clearly been permitted.
5. The concerns of the Council were adequately justified and reasoned within the decision notice, officer report and appeal statement. Details of relevant development plan policy has been provided. The Council has therefore neither failed to substantiate its reasons for refusal nor made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
6. If the claimant has broader concerns with regard to their dealings with the Council relating to matters at the site, including on issues surrounding the site visit (which the Council contends was carried out) then it could be up to them to engage with the Council's complaints process.

Conclusion

7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the

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

Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR