
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: 11 March 2022

Costs application in relation to Appeal Ref: APP/W4705/W/21/3289082 Land West of Apperley Lane, Apperley Bridge, Bradford LS19 7EG

- 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 S Beamish 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 the realignment and resurfacing of the existing access track through the construction of a new access road and vehicle access, and the re-grassing and landscaping of area of the current site access track.
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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 application has been refused on unreasonable and unjustifiable grounds.
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, then it could be up to them to engage with the Council's complaints process. Even if the Council could have worked more pro-actively with the appellant in relation to the site, there is nothing to indicate that this would have guaranteed a positive outcome for the appellant and avoided the need for the appeal.

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

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

T J Burnham

INSPECTOR