
Costs Decision

Site visit made on 26 April 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Costs application in relation to Appeal Ref: APP/N4720/W/22/3293768 Flat 1, 52B Barleyhill Road, Garforth, West Yorkshire LS25 1DY

- 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 Robert Feeney of Ledston Homes Ltd for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for two storey rear extension.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 033 of the PPG states that costs cannot be claimed for the period during the determination of the planning application although it is expected that all parties behave reasonably throughout the planning process. Paragraph 047 of the PPG further states that local planning authorities are required to behave reasonably in relation to procedural matters at the appeal, for example by complying with the requirements and deadlines of the process.
4. The appellant claims that the Council did not engage in a positive and proactive way and that zero discussions took place between the parties. The Council indicate that there was email correspondence between the parties including an email on 10 September 2021. The appellant has provided a communication thread which includes emails dated 10 September 2021. So, whilst no actual verbal discussions took place, it seems apparent that there was communication between the parties. This communication also seems to lead to the appellant submitting revised drawings that the Council made their final assessment on.
5. The Council's Householder Applications Protocol (HAP), whilst maybe considered to be restrictive, is clear on the procedure which is to be undertaken for householder planning applications. The appellant considers that its not efficient or reasonable for the Council to not spend some time discussing the issues of a proposal. However, from the evidence before me, it appears that the Council Officers have mostly acted in accordance with the HAP, including when amended plans were received.
6. There appears to be some contradictions between the statements on the decision notice, guidance within the HAP and the actions of Council Officers in

terms of dealing with amended plans, engagement and discussions between parties, as it seems no verbal discussions have taken place. I have also had regard to the appellants comments on the Council's interpretation of documents and plans, and measuring of amenity space.

7. The Council have not behaved unreasonably in relation to procedural matters at the appeal. Costs cannot be claimed for the period during the determination of the planning application however, it is expected that all parties should behave reasonably throughout the planning process. The appellant considers that the Council have not acted reasonably at the application stage. Whilst it could be argued that communication from the Council could be improved, they were compliant with the process within the HAP. Even if I were to find that the Council had behaved unreasonably at the planning application stage, for me to issue an award of cost, it needs to be shown that unreasonable behaviour has led to unnecessary or wasted expense. The evidence leads me to conclude that regardless of the methods of communication between the parties, it seems unlikely that an agreement could have been achieved on the refusal reasons, and therefore the proposed scheme would have ended up at an appeal anyway.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Chris Baxter

INSPECTOR