



Costs Decision

Site visit made on 4 October 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th November 2022

Costs application in relation to Appeal Ref: APP/N4720/W/22/3303185 18 St Hildas Place, Leeds, West Yorkshire LS9 0BX

- 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 Leeds City Council for a full award of costs against Mr Richard Willis.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a dormer window to front.
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Decision

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

Reasons

2. 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. Resistance to, or lack of co-operation with the other party in providing information or discussing the application, is one of the examples of unreasonable behaviour provided within the PPG which may result in an award of costs.
4. The evidence of the Council refers to dialogue and correspondence with the appellant prior to the appeal being lodged but none of this is in the evidence before me. Therefore, I cannot comment any further on whether the correspondence issued by the Council aligns with the advice contained within its own Householder Applications Protocol (the Protocol).
5. Whilst I have dismissed the appeal due to the harm to the character and appearance of the host dwelling and the street scene, that is a matter of planning judgment based on the evidence in the case, and the appeal had at least some reasonable prospect of succeeding. I have no substantive evidence before me that the appellant has sought to use the appeal process as a bargaining tactic and, consistent with this, the appellant has made no attempt during the appeal process to amend or evolve the scheme, albeit such amendments are generally not acceptable given their likelihood to prejudice Interested parties.

6. The appellant sought planning permission for their scheme, would appear to have been unwilling to change the design, and in the absence of a determination by the Council, exercised their right to appeal. That does not amount to unreasonable behaviour.
7. Furthermore, the appellant has submitted that a considerable passage of time elapsed between the Council setting out their objections to the scheme and the submission of the appeal. I have no substantive evidence which contradicts the appellant's timeline, and it is unclear to me why, given the prolonged period in which the appellant did not respond to the Council, the planning application was not determined in accordance with the statutory period set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended).
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

H Jones

INSPECTOR