



Costs Decision

Site visit made on 8 November 2022

by C Megginson BA (Hons) DipTP MRTPI

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

Decision date: 8th December 2022

Costs application in relation to Appeal Ref: APP/N4720/W/22/3302773 Spear Fir Farm, Spear Fir, Bardsey, Leeds LS17 9EA

- 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 Mrs E Burns for a full award of costs against Leeds City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for construction of part two and single storey house with basement accommodation as replacement of 2no approved dwellings (Refs 14/07209/FU AND 18/02604/FU) (Amended scheme).
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Decision

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

Reasons

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Council failed to communicate with the applicant over a period of several months, despite the applicant's attempts at engagement. Notwithstanding the lengthy reiteration of communication between the parties, whilst understandably frustrating, it is my view that the lack of communication was not as a result of deliberate obstruction in order to delay the process. Rather it was as a result of a particular set of circumstances at the time, including a historical backlog, increasing workloads and staffing issues.
4. The appellant considers the application to be relatively straight forward and that it effectively proposes very minor and modest amendments to the previous permission. The appeal site has an extensive planning history and is located within the Green Belt and in a Special Landscape Area. As such, the appeal proposals require a detailed and careful consideration in such a context. I therefore do not agree with the appellants contention in this regard.
5. The Council's communication, whilst delayed, outlined the reasons for delay, set out the Council's position with regards to the application and attempted to agree extensions of time. Whilst unfortunate, unreasonable behaviour on the part of the Council has not been demonstrated in this regard. In any event the delays would not, in themselves have resulted in a different decision such that they have created wasted expense in the appeal process. The Council have not

prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

C Megginson

INSPECTOR