



Costs Decision

Site visit made on 15 February 2023

by Mr R Walker BA HONS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Costs application in relation to Appeal Ref: APP/N4720/D/22/3308624 3 Alwoodley Lane, Alwoodley, Leeds LS17 7PU

- 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 Ms A Lamstaes for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for alterations including two storey front and side extension and single storey rear extension.
-

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. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. Moreover, it indicates that local planning authorities are at risk of an award of costs if they behave unreasonably by delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The PPG also indicates that local planning authorities are at risk of an award of costs if they fail to determine similar cases in a consistent manner.
4. The applicant submits that the Council has acted unreasonably in not determining applications consistently in regard to the design of the proposed extension in comparison with another approved extension on the street (No 31). Moreover, it is put to me that the Council have delayed development that should have been approved having regard to an informed planning judgement and guidance.
5. In assessing the planning application, the Council did specifically consider the extension at No 31 and substantiated why it considered there to be a distinct difference. This primarily related to the location of the appeal site in the street. It is not unreasonable for the Council to make an assessment on the site's character, as this exercises a certain amount of subjective judgement. Moreover, there was no dispute between the parties that the design did not

accord with some of the detailed guidance within the Council's Householder Design Guide.

6. There is evidence to demonstrate that the Council considered the applicant's proposal against the policies of the development plan and that it reached a conclusion based upon such considerations. I have allowed the appeal. However, this was based on my assessment that there would be a lack of harm on the street scene in Alwoodley Lane. It was not because the Council were not entitled to reach a different decision in this case than the extension previously permitted at No 31 or other extensions elsewhere.
7. Consequently, irrespective of the outcome of the appeal, I cannot find that the Council behaved unreasonably, relative to the main issue, in offering a different view to my own. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
8. Accordingly, I determine that the costs application should fail, and no award is made.

Mr R Walker

INSPECTOR