
Costs Decision

Site visit made on 10 January 2023

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Costs application in relation to Appeal Ref: APP/N4720/Q/22/3308110 Land on the south side of Green Road, Meanwood, Leeds LS6

- 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 Edward Arvley for a full award of costs against Leeds City Council.
 - The appeal was against the refusal to discharge planning obligations of s106 agreement dated 30 June 1997 planning application 26/93/96/FU pursuant to s106a Town and Country Planning Act 1990.
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Decision

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

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. It is the applicant's case that the Council behaved unreasonably with respect to the reason for refusal describing the Council's arguments as 'woeful, without basis and ... lacking'. The applicant also makes reference to a number of other matters including an alleged desire of the Council to acquire the site, 'open hostility' towards the applicant, the posting of 'defamatory comments' and issues with regards Freedom of Information Act requests. This, the applicant details, has led to unnecessary or wasted expense in progressing the appeal.
4. The Council refutes the appellant's case, detailing that it has substantiated the reason for refusal and otherwise responding to many of the applicants concerns as being out with the appeal process.
5. On the basis of the evidence before me it is clear that the Council has substantiated the reason for refusal at appeal, articulating the concerns of the Council, supported by numerous third parties and Sport England. With regards the other matters referred to by the applicant these largely relate to the determination of the application and in accordance with guidance set out in the PPG, I have taken account of the parties' behaviours and actions at the time of the planning application. However, costs can only be claimed in relation to unnecessary or wasted expense at the appeal.

Conclusion

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mr M Brooker

INSPECTOR