
Costs Decision

Site visit made on 30 August 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Costs application in relation to Appeal Ref: APP/N4720/D/23/3318243 West Royd Lodge, New Street, Farsley, Pudsey, Leeds LS28 5AS

- 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 R Bennett for a full/partial award of costs against Leeds City Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of a stone outbuilding.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The claimant states that the costs application is made on the basis that the Council have acted to prevent or delay development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. In this case the claim is made on the basis that the appellant had previously been awarded a Lawful Development Certificate (LDC) for an outbuilding, a matter to which the Council failed to attach weight. However, the Council have acknowledged that matter within their Officer report and considered it as a factor within their decision satisfactorily, regardless of whether explicit reference has been made to the materials associated with the LDC development.
5. It is clear that location and scale were key factors in the Council's analysis, as they have been in mine. There has therefore been no unreasonable behaviour on the part of the Council.

Conclusion

6. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T Burnham

INSPECTOR