



Costs Decision

Site visit made on 19 September 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2023

**Costs application in relation to Appeal Ref: APP/N4720/W/21/3287397
The Byre, off Tithe Barn Lane, Bardsey-cum-Rigton, Bardsey,
Leeds LS17 9DX**

- 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 the Executor of the Estate of Mr R Lunn (Deceased) for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for change of use of redundant farm building to a single dwellinghouse and conversion of barn to garage/store.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that 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. In essence, the applicant asserts that the prolonged nature of the planning application process, and the Council's change to an unfavourable position three weeks before refusal of the application, amounted to unreasonable behaviour by the Council. The time, costs and stress associated with chasing and preparing responses to the Council are highlighted. Accordingly, these concerns relate to procedural aspects of the planning application itself.
4. However, the PPG clearly states that costs can only be awarded in relation to unnecessary or wasted expense at the appeal. Consequently, whilst behaviour and actions at the time of the planning application can be taken into account, costs generated during that time cannot be the subject of an award.
5. I appreciate that the applicants were frustrated with the course of events during the planning application. Nevertheless, the evidence does not show that this falls within the examples of behaviour listed in the PPG insofar as it affected procedural matters at the appeal. Nor is this a case where the Council failed to determine the application. Moreover, as can be seen within my appeal Decision, the Council had legitimate concerns which ultimately justified its decision.
6. With regards to other matters raised, the PPG makes clear that costs awards cannot extend to compensation for any indirect losses, such as those which may result from alleged delay in obtaining planning permission. Also, the alleged costs associated with another application and appeal at the site are not within the jurisdiction of this costs application.

Conclusion

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

A Caines

INSPECTOR