



Costs Decision

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 11th December 2023

**Costs application in relation to Appeal Ref: APP/N4720/X/23/3321155
14 The Drive, Alwoodley, Leeds LS17 7QA**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Leeds City Council for a full award of costs against Mr Richard Black.
 - The appeal was against the refusal of a certificate of lawful use or development for extend the first floor of the property within the footprint of the existing building over part of an existing rear flat roof extension.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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 application form described the development for which an LDC was sought as, "the proposal seeks to extend the first floor of the property within the footprint of the existing building over part of an existing rear flat roof extension". The LPA case appears essentially to be that the use of the word "extension" in the description is a tacit acceptance by the appellant at application stage that the rear projection referred to in the appeal decision was not part of the original dwellinghouse. It is the appellant's case on appeal that the rear projection is part of the original dwellinghouse. Thus, the LPA says that the appellant has behaved unreasonably in changing their position.
4. Whilst the term extension is commonly used in such circumstances to describe part of a building which is a subsequent addition, it could also be used to describe part of the building which extends from the main or primary part of that building. The use of the word in this context does not implicitly accept that the part referred to as an extension was not part of the original dwellinghouse. In any event, there is no suggestion that this was anything other than a misdescription. There is nothing in the original LDC application which indicates the appellant intentionally sought to mislead the LPA by explicitly stating the rear projection was not original. As a result, I see no compelling reason to find the appellant has behaved unreasonably.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

J Whitfield

INSPECTOR