



Costs Decision

Site visit made on 5 February 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Costs application in relation to Appeal Ref: APP/W4705/W/23/3331646 2 Lucy Hall Drive, Baildon, Bradford BD17 5BB

- 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 Jason Hodson for a full award of costs against City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing dwelling and erection of two detached dwellings.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 applicant sets out that the planning authority has acted in an unreasonable manner. They consider that the reasons for refusal have been raised without a full understanding of what is being proposed, how the development is to be achieved and without the planning officer seeking clarification about the matters which led to the refusal. Furthermore, the Council has not presented substantive evidence to support its decision or responded to the reports contained within the appeal submission. The applicant states that the appeal has resulted in unnecessary and wasted expense as the reasons for refusal relate to elements that could and should have been fully explored before the application was refused.
4. The Council set out that the scheme in its submitted form was sufficient for a full understanding of the proposal to be ascertained. They consider that there was no need to contact the agent to request further clarification of points of concern. Moreover, the applicant did not contact the Council. The Council consider that any changes would need to be substantial, and these would have resulted in a materially different form of development than has been applied for. They highlight that no further dialogue from the applicant has been received since the determination of the planning application, other than the appeal, to find a way forward on this site. The Council state that they have not made vague, generalised, or inaccurate assertions about the proposal's impact and provided the evidence to substantiate the reasons for refusal.
5. Whilst it would have been proactive for the Council to contact the applicant during the application process, based on the evidence submitted, I am not satisfied that would have avoided an appeal. In addition, it would have been

helpful if the Council had commented on the reports, provided as part of the appeal, but it is not a compulsory requirement.

6. The Council does not have specific development plan policy regarding the proximity of a development to trees and therefore it is a matter of planning judgement. My decision sets out why the neighbouring dwelling cannot be directly comparable to the development before me. The reasons for refusal and officer's report were clear to support and substantiate the Council's stance, and I am satisfied that they adequately understood the proposal.
7. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

L Wilson

INSPECTOR