



Costs Decision

Site visit made on 14 February 2024

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Date of Decisions: 23rd April 2024

Costs application in relation to Appeal Ref: APP/N4720/W/23/3331587 18 Hollyshaw Lane, Whitkirk, Leeds, LS15 7BD

- 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 Leeds City Council by for a full award of costs against Mr S Watterson (Watts & Co).
- The appeal was against the refusal of the Council to approve details of a condition subject to which a previous planning permission was granted.

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.¹
3. The Council alleges fundamental misunderstandings by the applicant in the discharge of conditions process. The appellant's rebuttal suggests to me that this is not the case, but in any instance it does seem that there has been miscommunication between the parties during both the original application and appeals processes.
4. In its original application, the applicant sought flexible application of the cycle parking guidelines. The Council's appeal statement suggests that it was clear that two bays would be provided, but did not consider this to be acceptable and requested details as part of a condition of the permission. There is no indication of any consideration, if more cycle spaces were to be provided, where they would be accommodated on the site. The applicant considers that this additional provision would alter the nature of the development by affecting the amount of outdoor space that would be provided for occupiers of the development. Including details in the application that the Council considers unacceptable does not necessarily suggest fault by the applicant, and it is the Council's role to allow or refuse permission as it considers necessary.
5. In this case the Council gave permission to the application which clearly stated that there accommodation for two cycles, but included the condition seeking further details of the accommodation arrangements, clearly expecting further spaces to be provided. This resulted in an opaque decision in which the details as submitted on the plans had seemingly been approved, and although a

¹ PPG reference ID: 16-028-20140306; revision date: 06 03 2014.

request for further details via a planning condition is not unusual, it is counterproductive to approve a scheme without consideration of its ultimate operational layout. Within this framework, the appellant's right to appeal was exercised, and I am not convinced that the appeal was unnecessary or that the appellant advocated an unreasonable case.

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

G Rollings

INSPECTOR