

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 by Mr Sam Watterson for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of the Council to approve details of a condition subject to which a previous planning permission was granted.
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Decisions

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 permission for the house in multiple occupancy (HMO) included a plan indicating the position of a secure cycle storage building accommodating two cycle parking spaces. Within the decision the Council also included a condition requiring the applicant to submit full details of cycle parking and facilities. The number and location of spaces submitted to the appeal are similar to the details within the original application.
4. The applicant considers the reason for refusal to be vague, I do not consider this to be the case. The Council's reasoning and reference to adopted guidance is understandable. In making its decision, the Council relied on its *Leeds City Council Transport Supplementary Planning Document* (SPD). This contains parking guidelines, and the use of such guidelines is set out in the Council's *Core Strategy* (2014, amended in 2019), specifically within Policy T2. Both are adopted documents that were subject to consultation and whilst the SPD is guidance, its use within Policy is confirmed by Policy T2. I do not consider that the Council placed an unreasonable amount of weight on the SPD in making its decision.
5. Although the reason for refusal includes consideration of differences between the permission and the discharge, the core reasoning within the Council's decision is clear. I am not convinced that any other wording would have altered circumstances to the degree that an appeal would have been avoided.

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

6. The applicant points out in his submission that the Council's own case officer made the case that the site is within a sustainable location with a wide range of transport options, but that this information was not taken into account by the decision-maker. However, a quote from the officer report was provided in the appeal evidence and this indicated that the decision-maker of the permission did have access to this information. Additionally, the process of discharging conditions does not offer an opportunity to reconsider the permission itself. In any case, the Council has indicated that it may have been open to applying some flexibility within the application of the SPD, but that the ultimate shortfall between the proposed number of spaces and the suggested minimum was such that it was not appropriate to do so in this instance.
7. In considering the approval of details, the issue of residents' living conditions (amenity) has been raised. There is no indication that this was a main issue during consideration of the original application for permission. I acknowledge the Council's submission that a shortfall in on-site cycle parking provision was not envisaged during its assessment of the application and also the applicant's concern about the issue at that time. However, as I have mentioned above, the scope for considering issues in the discharge of condition process is narrow. No unreasonable behaviour has been demonstrated by the Council in this matter.
8. I do consider, however, that there has been miscommunication between the parties, resulting in the Council issuing the original approval without sufficient consideration of the ultimate layout of the cycle accommodation, including its location and its spatial requirements. However, I am not convinced that, even with clearer communication, that the appeal could have been avoided overall.
9. 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