



Costs Decision

Site visit made on 14 May 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st May 2024

Costs application in relation to Appeal Ref: APP/X4725/W/23/3330785 Common Road, South Kirkby, WF9 3FJ

- 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 D. Noble Limited for a full award of costs against Wakefield Metropolitan District Council.
 - The appeal was against the refusal of planning permission for residential development comprising 22 new dwellings, along with associated parking, site road and landscaping.
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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. Unreasonable behaviour by a local planning authority can include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. There is no substantive evidence before me that the Council specifically asked for an application to be submitted. Nor can the outcome of any planning application be guaranteed. In any event, the planning system operates on the basis that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. It is not in dispute that the site was within the Green Belt at the time the application was submitted. The National Planning Policy Framework is unequivocal that the Government attaches great importance to Green Belts. The emerging development plan was still subject to modification and consultation. The Council's decision to refuse the application was therefore not unreasonable.
4. Furthermore, the expenses identified by the appellant are the normal costs incurred in the submission of a planning application. The PPG is clear that the award of costs is related to those costs incurred during the appeal process.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

J Downs

INSPECTOR