



Costs Decision

Site visit made on 23 July 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Costs application in relation to Appeal Ref: APP/N4720/D/24/3343042 6 Cranewells Green, Colton, Leeds LS15 9HD

- 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 James Hardwick for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of the Council to grant planning permission for a single storey rear extension to provide kitchen/diner.
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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. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the procedural handling of the case, and the substance of the matter under appeal. The applicant's claim for costs is made on the grounds that the Council acted to prevent development which should clearly have been permitted and that the Council unnecessarily consulted the Highway Authority.
4. It is understood that the initial site plans inaccurately reflected the extent of the appeal site, including the alignment of a boundary. Interested parties also raised concerns about the accuracy of the plans and the useability of the proposed spaces to the front of the dwelling. Given the concerns regarding the ability of the appeal site to accommodate the required car parking spaces and the resultant highway safety implications, it was not unreasonable for the Council to seek the advice of the Highway Authority.
5. It is clear that the proposed extension would encroach onto the existing driveway and make it narrower than the standard set out in either the SPD or Design Guide. The Council is entitled to apply its SPD guidance to any new development that comes forward, including that of the proposal.
6. Clearly there is a difference of opinion between the parties on the planning merits of the proposal. On the evidence before me I am satisfied that the Council substantiated its reason for refusal in its officer report. The impact of a development on highway safety is a matter for the decision maker. Whilst I reached a different view in my decision, attaching more weight to the current

circumstances of the site, it does not mean that the Council behaved unreasonably.

7. Given that I have found that unreasonable behaviour has not occurred, I am not required to consider whether unnecessary expense has ensued.

Conclusion

8. Unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

M Clowes

INSPECTOR