



Costs Decision

Site visit made on 6 August 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Costs application in relation to Appeal Ref: APP/N4720/D/24/3343973 Mill House, Moorlands Farm, Staircase Lane, Bramhope, Leeds LS16 9LH

- 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 and Mrs Wade for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for alterations including single storey rear extension with roof lights, new patio and steps; repositioning of entrance door to front, including new steps.
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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 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 has set out their costs application in writing. In summary, they state that the respondent did not correspond with them on what was a re-submitted planning application and additional information provided was not considered, that a reason for refusal refers to the re-use of buildings and it is not clear whether a Planning Officer visited the site. In addition, the proposal is less than the thirty percent increase set out in the respondent's own guidance, there would be no harm to the openness of the Green Belt and concern about visual amenity was raised yet there was no objection from the Conservation Officer.
4. The respondent's rebuttal sets out that the additional information was taken into account but was not considered to overcome the previous reasons for refusal. This, in essence, is the reason why they did not seek to correspond with the applicant at all during the consideration of the planning application. Whilst the applicant may feel aggrieved that a dialogue was not established, as the respondent considered themselves to be in a position where they could substantiate a reason for refusal and did not see a way that this could be overcome, they consider that their decision to not enter into discussions does not represent unreasonable behaviour.
5. Although the applicant highlights that a reason for refusal erroneously refers to the proposal being a re-use of a building, it is clear from the Officer Report that the respondent was not under the misapprehension that this is what they were considering. Likewise, on the basis that the respondent considered there to be no material difference in the re-submission as compared to the previous

refused proposal, and as the case officer was the same and had previously visited the site, there was nothing inherently unreasonable in their not undertaking a second visit. This in effect is also the respondent's explanation for not entering into further discussions with the applicant, and in the circumstances their position was not unreasonable.

6. The substantive matters in the appeal include the impact of the proposed development on the Green Belt and its impact on the character and appearance of both the host building and the special landscape area. In those respects, the respondent has explained how they have reached their conclusions on each of the main issues when considered against the relevant development plan policies and their supplementary planning document. These are matters of planning judgement and whilst I have found against the respondent on each, this does not mean that they acted unreasonably in coming to the conclusions they did.
7. Whilst it would have been prudent for the respondent to have explained how they weighed the Green Belt test for extensions set out in the National Planning Policy Framework (as a material consideration) against the more restrictive requirements of their older development plan policy and supplementary planning document, I cannot conclude with any certainty that the outcome of the planning application would have been different had they done so. Furthermore, there was a second reason for refusal which is unrelated to Green Belt matters. I cannot therefore be sure that the appeal could have been avoided and thus that the applicant has been put to any unnecessary or wasted expense in having to pursue the appeal.
8. The respondent's Conservation Team did not raise an objection to the proposal, however the relevant reason for refusal centres on other concerns in terms of the impact of the proposed development, including on the special landscape area. It is feasible that there could be a justifiable concern about the impact in that regard even if there was no concern about the impact on the Conservation Area. The respondent set out their areas of concern on that aspect and did not therefore act unreasonably on this substantive matter either.
9. In conclusion, there were no procedural aspects of the respondent's determination of the planning application which represent unreasonable behaviour. Furthermore, the respondent adequately justified their position on the substantive matters raised in the appeal. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Graham Wraight

INSPECTOR