



Costs Decision

Site visit made on 29 August 2024

by D Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 September 2024

Costs application in relation to Appeal Ref: APP/N4720/W/24/3344659 Warren House Farm, Claypit Lane, Ledsham, Leeds, LS25 5LP

- 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 Clark for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of the Council to grant planning permission for: Part-demolition, conversion and extension of existing agricultural buildings to form one dwelling with amenity space.
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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 application cites three areas of unreasonable behaviour:
 - the failure to submit an appeal statement;
 - unwillingness to engage during the determination period; and
 - introducing a new reason for refusal regarding trees.

It claims that these failings caused repeat applications and additional fees.

4. The Council has acknowledged that it failed to submit its statement in time. However, this is usually a disadvantage. I had ample information from its officer report and my visit. On this ground, I find that the appellant was not disadvantaged by this oversight or put to any further expense.
5. I accept that the Council might have engaged more with the Appellant during the application period. While it did carry out its duties under the pre-application service, there was no discussion. It is no answer for the Council to say that this is a matter for the Ombudsman, as that service does not investigate if the Council has behaved unreasonably as any avoidable appeal costs can be the subject of a claim such as this. Nevertheless, it should have been evident to the Appellant that, while a change of use application might be viewed

favourably, additional extensions were unlikely to be allowed without an appeal.

6. The reason for refusal regarding trees emanated from the additional extension, new wall proposal and further hardstanding. Consequently, the Council was entitled to add this reason to the later scheme.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Nicholson

INSPECTOR