



Costs Decision

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

**Costs application in relation to Appeal Ref: APP/N4720/X/24/3338088
17 Manor Farm Drive, Leeds, LS10 3RE**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Leeds City Council for a full award of costs against Richard Willis.
 - The appeal was against the refusal of a certificate of lawful use or development for a proposed outbuilding.
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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. The appeal against the refusal of the Lawful Development Certificate has been dismissed because the appellant's evidence was unclear and ambiguous. However, the appellant did provide some information, i.e., the proposed building was to be used for a hobby related to joinery; that it would be for the occupier of the house on an "as and when" basis; and it would not be a business.
4. The appellant referred to *Emin*¹ but his opinion was that his case had different circumstances. It seems to me that he misinterpreted the caselaw rather than wilfully ignored it. Whilst he did not respond to the Council's requests for further information, save for a slightly amended layout plan, it appears from his evidence, that he did not believe that additional information was necessary. He was wrong on this but being wrong is not necessarily unreasonable.
5. The Council referred to 3 appeal decisions in its officer report. The appellant did not disregard them as he explained in his final comments, in some detail, why he felt that these appeal decisions were different and were therefore not comparable to his case. I appreciate that the Council considers these appeals to be relevant, and I agree that they are, but he gave his reasons for having a different point of view.
6. The amount of evidence was insufficient to demonstrate that the building would be genuinely and reasonably required for a purpose incidental to the enjoyment

¹ *Emin v SSE and Mid-Sussex District Council* [1989] 58 P & CR 416

of the dwellinghouse. The appellant's case was lacking but I do not consider that the proposal was so badly put together that it constituted unreasonable behaviour.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Siobhan Watson

INSPECTOR