



Costs Decision

Site visit made on 17 September 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2024

**Costs application in relation to Appeal Ref: APP/W4705/W/24/3345778
Road at Grid Ref 420151 439289 Apperley Lane, Apperley Bridge, Bradford
West Yorkshire, LS19 7EG**

- 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 Steve Beamish for a full award of costs against the City of Bradford Metropolitan District Council.
 - The appeal was against the refusal of the Council to grant planning permission for the realignment and improvement of the existing site access.
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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. The PPG sets out examples of behaviour which may give rise to an award of costs against the Council, but those examples are not exhaustive.
3. The applicant has set out both a personal statement, and their grounds for making their application. A response was received from the Council, with final comments then provided by the applicant and I have taken all of this into account in my decision.
4. Following the Council's decision on the application, the applicant undertook additional survey work to support their case (the 7-day Automatic Traffic Count (ATC)). Following the submission of this information, in the appeal, the Council appeared to accept that the proposed visibility splays exceeded those required by the guidance they use, but nevertheless continued to maintain their objection to those visibility splays.
5. Whilst it was unreasonable not to ultimately concede that point, I do not consider that it led to unnecessary or wasted expense. Plainly, the Council was only able to concede that point on the basis of the updated evidence of the applicant (the ATC data), produced after the Council's decision and to support the case at appeal. That such evidence was not available at application stage is unfortunate and had it been, could have saved much effort on all sides at appeal stage.

6. I note that the applicant sought to provide this during an extended period for determining the application, but do not consider that their inability to do so within the agreed deadlines, or the decision of the Council not to further extend the period for determining the application represents unreasonable behaviour on the part of the Council at application stage.
7. I consider that the Council's continued consideration of the use of the site and the use of the access was unreasonable, as they took into account something unrelated to the appeal application. The appeal application was clearly for planning permission for the realignment and improvement of the existing site access. That was plain from the application form and the drawings and was explained in detail during the appeal. Nevertheless, the Council apparently continued to allow its concerns over the use of the site and land as a whole to affect their consideration of the application before them.
8. Whilst this was unreasonable, I do not consider that it led to unnecessary or wasted expense, as the submission of the evidence in the appeal was necessary in any event, and that issue was quickly dealt with by the applicant.

Conclusion

9. Much of the evidence from both sides in this application for costs relates to the clearly somewhat strained relationship between the Council and the applicant rather than directly to the conduct of the Council in the appeal.
10. Whilst I note that, although I have found that unreasonable behaviour has occurred, I do not consider that it resulted in unnecessary or wasted expense.
11. An award of costs is not therefore warranted.

S Dean

INSPECTOR