
Costs Decision

Site visit made on 19 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 9 September 2025

Costs application in relation to Appeal Ref: APP/N4720/W/24/3357659

Newall Church Hall, Newall Carr Road, Otley LS21 2AF

- 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 Richard Houldsworth [B Houldsworth and Sons Ltd] for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of the Council to grant planning permission for the conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure.
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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 applicants' costs claim cites both unreasonable procedural and substantive behaviour. It is made on the basis that there was unreasonable procedural behaviour in the determination of the application by the Council's Planning Committee and, that the reasons for refusal were not substantiated.
4. As the planning committee was resolved to refuse the proposal on 5 grounds, the application was deferred to the following meeting on the 31 October 2024 to enable officers to provide advice on whether the reasons for refusal were defensible. This ultimately led to the application being refused for the 2 reasons set out on the planning decision notice. The Council advises that the application was determined by the Planning Committee in line with its scheme of delegation. There is no substantive evidence before me to suggest that this was an inappropriate course of action.
5. The applicant raises concerns regarding specific events at the planning committee meeting, prior to a decision being made. These assertions relate to the legal officer proposing amendments to the motion put forward by councillors, the lobbying of the planning committee by a member of the public whilst the meeting was in session and, electronic correspondence being distributed to members of the committee by a ward member which was not shared with officers, the applicant or third parties in

advance of the meeting. However, the applicant has acknowledged in their letter to the Council dated 17 October 2024 that the 2 latter concerns were dismissed by the Council in the correct manner. This appears to demonstrate that the applicant was satisfied that the matters were appropriately dealt with at the time of the meeting, such that I am not convinced that they can now be considered as unreasonable. There is no substantive evidence before me to indicate that the planning committee relied on the electronic information to inform its decision.

6. Neither is there anything before me in the minutes of either of the committee meetings to indicate that the legal officer inappropriately proposed amendments to the motion put forward by the committee. Even if officers assisted members of the Planning Committee in articulating the reasoning for its decision, that does not amount to unreasonable behaviour in my view. It is part of an officer's remit to provide advice to assist the decision-making process of the Council. I find that unreasonable procedural behaviour has not been demonstrated.
7. The Planning Committee is not duty bound to follow the advice of its professional officers. However, it must substantiate the grounds for its decision. The reasons for refusal set out on the Council's decision notice are complete and relevant to the proposal, referencing the relevant policies of the development plan that the proposal was considered to conflict with. Although ultimately, I have disagreed with the Council's position regarding the development of an area of natural green space within my decision, I am satisfied that it substantiated its decision, including more detailed comments within its statement of case. This includes a detailed explanation of the weight it suggested should be applied to the Ash Grove appeal decision¹.
8. The committee is entitled to consider the evidence before it in the round and is not obliged to rely solely on technical evidence in its decision-making role. It is apparent from the minutes of the meetings that the planning committee balanced the information before it, which included a visit to the site as well as interested party representations. Whilst I have not agreed with the Council in relation to the effect of the proposal on the setting of the non-designated heritage asset, I am content that this is a matter of judgement and the Council articulated its concerns. Although there is disagreement amongst the parties, I am satisfied that the Council has not acted unreasonably regarding the substantive matters of the appeal.
9. I acknowledge the applicant's frustration with their perception of the Council's approach. However, insofar as is relevant to this costs application, based on the evidence before me, I find no action taken by the Council amounts to unreasonable behaviour as described in the PPG. It therefore follows that unnecessary or wasted expense has not been incurred.

Conclusion

10. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred. Consequently, an award of costs is not warranted.

M Clowes

INSPECTOR

¹ Appeal decision reference APP/N4720/W/22/3304440 in relation to land at Ash Grove, Otley.