



Costs Decision

Site visit made on 11 August 2025

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Costs application in relation to Appeal Ref: APP/N4720/D/25/3368035 111 Hillcrest Rise, Leeds LS16 7DJ

- 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 Stefan Christie for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for two storey extension with canopy including new extended driveway to front; two storey and single storey rear extension and one new ground floor obscure glass window to side.
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Decision

1. The application for an award of costs is partially allowed in the terms set out below.

Preliminary Matters

2. The application for costs was submitted as part of the Grounds of Appeal relating to the appeal set out in the above heading. However, the costs application refers to 2 other appeals¹ even though the respective Appeal Forms state that a costs application had not been made. Nevertheless, the other appeals have been referred to in further evidence submitted and I have had regard to them accordingly.
3. The appellant also submitted a Costs Addendum in relation to the appeal in the above heading. Both main parties have had the opportunity to comment and I have had regard to the comments made.

Reasons

Initial Costs Application

4. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the 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.
5. A particular concern of the appellant is the refusal of the Council to accept amended plans as part of its consideration of the proposals. They consider that the Council was overly dogmatic in applying its Householder Applications Protocol (the Householder Protocol). In response, the Council sets out that where applications require 'minor' amendments then the Householder Protocol enables revised plans to be submitted.

¹ Appeal Refs: APP/N4720/D/25/3364066 and APP/N4720/D/25/3365055

6. Within that context, the amendments referred to by the appellant go beyond what could be considered to be minor. This assessment includes the effects on neighbouring residents and whether they should be given the opportunity to comment. Even if an amendment may be an improvement, interested parties should still be given the opportunity to comment prior to a decision being made. This is most suitably done through a new planning application in the case of householder applications due to the scope of that procedure and the timescale for decisions. Although changes may be minor in respect of the time taken using a CAD system, it is the material effect of an amendment that determines if it is minor rather than the time taken to draw it. I therefore do not conclude that the Council has behaved unreasonably with regard to its implementation of the Householder Protocol.
7. The appellant also refers to the Council's Housing Design Guide (HDG) which they consider to be out of date in respect of the consideration of permitted development and prior approvals. However, even though parts of the proposals may represent permitted development, the permitted development right may be lost if other development takes place. There is therefore no certainty that the elements referred to would benefit from permitted development rights at the time of their construction. It is therefore appropriate for the Council to consider the planning applications as a whole, and this also reflects the approach I have taken in my Appeal Decisions. Consideration of permitted development rights and prior approvals are therefore more appropriately addressed on a case by case basis, and within that context I do not consider that the Council has behaved unreasonably in referring to the HDG.
8. The appellant expresses concern about the Council's pre-application procedures and that multiple proposals will require separate fees. However, even if a comprehensive proposal is made up of different elements, it has not been demonstrated that the Council would not consider it as a whole through the pre-application process. The evidence suggests that the appellant's concerns on this issue reflect the incremental nature of the multiple proposals that have been prepared rather than the Council's pre-application process.
9. Reference is also made to the Council's failure to share feedback on the planning application or its other concerns. However, based on the evidence before me, the Council's feedback on the proposals has been made available to the appellant and they have been able to respond.
10. The appellant refers to wider concerns in respect of the Council's performance in determining applications and the effect on its fee income. However, given my conclusions above as well as those of the Appeal Decisions, the Council's decisions are based on valid planning considerations.

Costs Addendum

11. The submitted Addendum includes concerns relating to the unreasonable release of late and incomplete evidence by the Council which has necessitated the re-working of the appellant's response to public feedback and the submission of a further response. These concerns relate to the Council's behaviour over the course of the planning application as well as the appeal.
12. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of the planning application can be taken into account in the consideration of whether or not costs should be awarded.

13. The appellant has referred to difficulties in obtaining comments made on the planning application during the consideration of the planning application and appeal. In response, the Council sets out that, due to GDPR² concerns, it no longer publishes public comments online. Instead, they are summarised in officer reports, and full comments are only disclosed via FOI³ or EIR⁴ requests.
14. It is for the Council to decide the process for making information available, and given the formal and clearly defined processes set out by the Council I do not consider that its reliance on these processes represents unreasonable behaviour.
15. However, the Guidance sets out types of behaviour which may give rise to a procedural award of costs against a local planning authority. This includes delays in providing information or only supplying relevant information at appeal when it was previously requested, but not provided, at application stage. It is apparent from evidence⁵ provided by the appellant that, due to the extent of redactions, the public comments provided to them at the application stage did not provide them with relevant information to assess the comments and consider how to proceed. This contrasts with the public comments provided by the Council as part of the appeal process which were presented in a suitable form, albeit with appropriate redactions. Even then, the comments provided with the Council's Questionnaire were curtailed, and it was only as a result of the appellant following up this matter that the complete public comments were provided by the Council.
16. The failure of the Council to provide public comments in an acceptable format at the application stage meant that the appellant only had access to the complete public comments following the submission of the appeal, and even then this was subject to delay. This unreasonable behaviour has led to extra expense to the appellant in addressing these comments as part of the appeal process.
17. The appellant's Addendum also refers further to the Householder Protocol. But this does not lead me to a different conclusion on the Council's behaviour with regard to the Protocol, which I have previously concluded was reasonable.

Conclusion

18. In respect of the appellant's Initial Costs Application, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred in respect of the appeal in the heading above as well as the 2 other appeals referred to.
19. However, regarding the Costs Addendum in respect of the appeal described in the heading to this decision, the Council's delays in providing information or only supplying relevant information at appeal when it was previously requested, but not provided, at application stage represents unreasonable behaviour. This has led to extra expense to the appellant in addressing this information as part of the appeal process. A partial award of costs is therefore justified.

Costs Order

20. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Leeds City

² General Data Protection Regulations

³ Freedom of Information

⁴ Environmental Information Regulations

⁵ E-mail and attachments to Cllr Barry Anderson dated 14 July 2025

Council shall pay to Mr Stefan Christie, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing delays in providing information or only supplying relevant information at appeal when it was previously requested, but not provided, at application stage; such costs to be assessed in the Senior Courts Costs Office if not agreed.

21. The applicant is now invited to submit to Leeds City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Cross

INSPECTOR