
Costs Decision

Site visit made on 9 July 2024 by J Reed MPlan

by **Martin Seaton BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Costs application in relation to Appeal Ref: APP/N4720/D/24/3342764

29 Tinshill Road, Leeds LS16 7DR

- 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 & Mrs John & Lucy Carr for a full award of costs against Leeds City Council.
 - The appeal was against the refusal of planning permission for raising the roof height of existing bungalow with two storey front and rear extension; single storey rear extension; replace existing single garage with double garage with a pitched roof.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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 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. Whilst the Guidance sets out a series of examples of behaviour whereby either a procedural or substantive award of costs may be justified, neither list is stated to be exhaustive.
4. The applicant contends that the Council acted unreasonably by failing to undertake a reasonable character analysis of the area and that the decision lacks any sustainable justification. Furthermore, it is contended that the application was refused without any discussion with the applicant prior to the decision and with an inconsistent application of planning policy in contrast with other similar schemes.
5. I have carefully considered the applicant's submissions, and I am mindful that whilst the corresponding planning appeal has been allowed and planning permission granted, that it does not automatically follow that a related application for an award of costs must also be granted.
6. I accept that in determining the appeal, that I have reached a clearly contrary view to the Council on the main issues, but this is not to say that the Council failed in their duties or were not entitled to reach their own view. From a full and proper reading and review of the Council's evidence, a clear justification for the approach that they took in determining the planning application and an assessment of the context and impact on the character and appearance of the area was provided. Their conclusions were clearly set out against the relevant planning policies of the

Development Plan and other material planning considerations, and although I have disagreed with them, this contrary view does not provide an indication of unreasonable behaviour.

7. I note that reference has been made to a perceived inconsistency with other decisions of a similar type in the area, but I do not find the evidence submitted to conclusively support that the Council took an unreasonable stance in this regard. The Council are entitled to reach their own conclusions on the specific planning merits of a case, and I note by the applicant's own admission in the Grounds of Appeal, that there is a significant variance in the street scene and no defined and consistent regularity of house type from which to ensure any anticipated consistency of approach. I am also mindful that there is no evidence provided that the circumstances relied upon in the key example submitted within the Grounds of Appeal were identical in all respects, with it accepted that there were differences in the scale of the resultant development. Furthermore, the context, form and position of the original dwelling in the referenced example differed significantly from that of the appeal site.
8. I recognise the applicant's frustration that the Council did not seek to discuss or negotiate the details of the case prior to the decision being made. However, whilst it may be seen to be helpful to take a positive approach during the course of a planning application where minor amendments may be feasible in order to achieve an acceptable scheme, such an approach is discretionary and there is no obligation on the Council to undertake discussions on the evolution of a scheme. In this instance, a failure to do so does not indicate unreasonable behaviour.
9. For the reasons set out, I therefore find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Martin Seaton

INSPECTOR