Planning Inspectorate

Costs Decision

Inquiry held on 21, 22 and 23 July 2026

Site visit made on 21 July 2026

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2026

Costs Application in relation to Appeal Ref: APP/W4705/C/26/3378147
Land at Jacobs Wood Farm, Holden Lane, Silsden, Keighley, West Yorkshire BD20 0LT

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by the City of Bradford Metropolitan District Council for a partial award of costs against AZARA GIDA SAN.VE TIC.LTD.ŞTİ.
- The Inquiry was in connection with an appeal against an enforcement notice alleging concrete pads, siting of buildings, septic tanks, stockpiling and access tracks.

Decision

1. The application for an award of costs is partially allowed.

The submission for the Council

2. The application is for a partial (but significant) award of costs.

3. The application is made having regard to the Planning Practice Guidance on appeals with reference to paragraphs 051 Ref ID 16-051-20140306, 052 Ref ID 16-052-20140306 and 053 Ref ID 16-053-20140306.

4. On substantive grounds, the appellant faced a considerable challenge on ground (a), which it failed to meet.

5. The Council's case on the planning balance is set out at section 8 of its planning witness's proof. As well as the development being contrary to the development plan, the harms set out are: harm to landscape character, direct and indirect harm to the ancient woodland, and direct and indirect harm to the ecological value of the site. The benefits proposed by the appellant, relating to tourism, employment, and planting were modest and were never going to provide very special circumstances to overcome the proposal for inappropriate development in the Green Belt, let alone justify granting planning permission.

6. The Ground should never have been advanced, and it put the Council to a considerable amount of unnecessary work. The majority of the evidence of the planning witness and for arboricultural matters, and all of the evidence for biodiversity and landscape were focused on ground (a).

7. The preparation of this evidence and the associated costs were unreasonably incurred.

8. On procedural grounds, the appellant's withdrawal of its ground (a) appeal without good reason and after the deadline for proofs of evidence was unreasonable and it put the Council to significant extra expense.

9. Thus, even if the Inspector were of the view that substantive costs should not be awarded in relation to ground (a), the Council should still be awarded all costs in relation to it on procedural grounds.

10. As recorded in the Inspector's post-CMC note the parties were required to produce a Statement of Common Ground ("SoCG") by 5pm on 12 June 2026.

11. The Council sought to engage with the appellant on the preparation of a SoCG but did not receive any response as was communicated to the Inspector in emails dated 17 June 2026 and 2 July 2026, which are attached to this application.

12. The failure to engage in the process of preparing a SoCG meant that the Council had to seek to evidence every point on every ground, rather than focusing its evidence on the matters in dispute between the parties. Until it belatedly received the appellant's proof, it did not know the extent of its case. Even then the process of discerning where the key points of difference were was unnecessarily more difficult.

13. This put the Council to further additional time and expense in preparing for the Inquiry. For the reasons above, the Inspector is invited to make a partial award of costs to the Council in respect of the unreasonable behaviour described.

The response for the Appellant

14. This is the response of the appellant to the costs application filed by the Council at 4:06pm on the penultimate day of this Inquiry.

15. The PPG on costs is abundantly clear that, *"where circumstances allow, costs applications should be made in writing before the hearing or inquiry"*. This application is made exclusively in respect of matters pertaining to ground (a), the position in respect of which has been clear to the Council for weeks. This is pre-eminently a case in which circumstances allowed the application to be made well in advance of the eleventh hour at which has now been made. It is against that starting point, namely a clear breach of the procedural guidance for which no satisfactory explanation has been provided, that the Council seeks to contend that it is the appellant who has behaved unreasonably.

16. The Council identifies three aspects of alleged unreasonableness on the part of the Appellant: (1) substantive unreasonableness in mounting the ground (a) appeal, (2) procedural unreasonableness in withdrawing that ground of appeal, and (3) a failure to engage with the Council in producing a Statement of Common Ground. Each is without merit.

17. At the outset, the appellant notes that the application is partial in nature, and cannot on any reasonable basis include:

    a. Any costs incurred by the Council subsequent to 23rd June 2026 (because the Council has accepted in correspondence that it did not read or perform any further work on the Appellant's ground (a) Proofs of Evidence; or

b. Any of the costs of the inquiry event itself, including the attendance of other witnesses, who then attended every day of the Inquiry despite not being required to provide oral evidence by either party.

18. Under the heading of substantive unreasonableness, the Council essentially invites the Inspector to identify, assess, analyse, scrutinise, and reach evidence-based conclusions on each of the substantive issues arising under ground (a). It invites the Inspector to do so despite no witnesses having been heard on those issues, none of the written evidence filed by the Council having been tested under cross-examination, and none of the appellant's witnesses giving oral evidence in response. The reality is that, in those circumstances, the Inspector is in a very poor position indeed to adjudicate upon the reasonableness or otherwise of the ground (a) appeal on its merits, and that any such adjudication would inevitably be procedurally unfair to the appellant for the same reasons. No evidence has been called or heard on any of the points upon which the Council now effectively invites summary judgment in its favour.

19. Ultimately, the question to be resolved on an application for substantive costs such as this is not whether the appellant would have succeeded or failed on ground (a), but whether the case reached the high threshold of being so destined to fail that it was actively 'unreasonable' to pursue it. The Inspector simply cannot hope to be in a position to determine, in a procedurally fair manner, into which camp this ground (a) appeal fell, because of the paucity of evidence, and the total absence of proper testing of that evidence. It is highly material to have regard to the very high bar set in the PPG for 'unreasonableness' of this kind – where the development is "clearly not in accordance with the development plan" and no material considerations are even *"advanced"* that suggest a different determination should be reached. That is quite obviously not the case here, as the appellant's Statement of Case makes clear.

20. That position is a consequence of the appellant's withdrawal of ground (a) is nothing to the point – appeals are withdrawn on a daily basis for reasons entirely unconnected to their merits, and even where they are withdrawn on those merits, that fact alone is nowhere near sufficient to enable an Inspector to reach a properly reasoned conclusion that the case was so destined to fail as to be 'unreasonable'. The Inspector will already be aware, by way of example, that the appellant did, prior to withdrawing its ground (a) appeal, file a Proof of Evidence from a Landscape witness, as well as on planning issues, both of which provided a detailed rebuttal to the Council's Statement of Case and the evidence which it ultimately filed.

21. In short, the Council seeks by this head of the application to inveigle the Inspector in rendering a proxy determination on the merits of the ground (a) appeal, which he is not procedurally or evidentially equipped to reach. The Council's attempt to do so should be unhesitatingly rejected.

22. It is this second head of claim, procedural unreasonableness, which is really at the heart of the Council's complaint.

23. The PPG is abundantly clear as to the *"aim of the costs regime"* – to *"encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case"*. The objective, as is evident from the reference to *"full and detailed evidence to support their case"*, is that parties to

planning appeals should be encouraged to engage and utilise professional evidence produced by professional consultants in support of (in particular) technical issues that may arise, and to ensure that they make full use of the timetable afforded in the determination of any appeal to present clear, carefully-considered, and well thought-out Proofs of Evidence, which can provide real assistance to an Inspector.

24. In the somewhat unusual circumstances of this appeal, an award of costs against the appellant would cut directly against both of those objectives and aims. It would discourage the seeking and utilisation of professional evidence and discourage the preparation and presentation of carefully-considered and well thought-out Proofs of Evidence. That is so for three reasons of which the Inspector is already well aware.

25. First, the Appellant did seek to retain and utilise professional evidence, in the form of the planning consultant who was assisting it in the conduct of its appeal until a serious change in his personal circumstances resulted in him being unable to conduct the case further. As the Inspector is aware, that deeply unfortunate and unwelcome news, which was not in any way the fault of the appellant, emerged just days before the CMC, causing serious disruption to the preparation of the appellant's ground (a) case. That is not even arguably the result of unreasonable conduct on the appellant's part – on the contrary, it is the result of the appellant attempting to follow the very objective of the costs regime – to seek and utilise professional input throughout the process.

26. Second, the appellant thereafter spent a considerable period of time seeking to produce Proofs of Evidence, working to a target date of 3rd July 2026. It did so from 12th June onwards, because it received a letter from PINS which expressly identified the deadline for Proofs to be 5pm on 3rd July. That confusion was compounded because, despite expressly seeking clarification from the Inspector's Case Officer, and expressly raising 3rd July as the appellant's understood date for Proofs to be filed, the Appellant received only a very cryptic response, redirecting it to the Inspector's post-CMC Note. That Note does not include 23rd June 2026 as a date anywhere. The chain of events which led to that genuine misunderstanding is set out in full in the appellant's request for an extension of time on 19th June 2026. It is further to be noted that the appellant never received a response from PINS to that request.

27. Once again, that sequence of events does not demonstrate unreasonable behaviour on the appellant's part, not least because the Council itself clearly felt sufficiently confused by PINS's correspondence to itself seek to clarify the deadline for Proofs of Evidence, as their email of 17th June 2026 clearly shows. On the contrary, it demonstrates the appellant again seeking to comply with the aim of the costs regime to the full – seeking to utilise the time available to it (as it understood the timetable that had been set) to ensure that the Inspector could be furnished with properly evidenced, well thought-out Proofs of Evidence. It was ultimately deprived of the opportunity to do so by a series of confusing communications, which again, were not the fault of the appellant.

28. Third, the appellant was not provided with the Council's Proofs of Evidence until 7th July 2026, some two weeks after the deadline by which they were due. That deprived the appellant of any meaningful opportunity to be able to assess the strength of the case against it at any earlier point in time. It is again entirely contrary to the spirit and aims of the costs regime as expressed in the PPG to

regard the appellant as acting unreasonably where it has simply sought to make decisions based upon the technical advice and evidence before it, but where it has not been disclosed the substance of the other party's case on those technical issues until two full weeks after that information should have been provided.

29. It is those three factors, above any other, that ultimately led to the procedural defect of which the Council complains, namely the appellant's late withdrawal of ground (a). Had its original consultant not withdrawn for unavoidable personal reasons, the appellant would have been able to source the professional input necessary properly to progress a ground (a) appeal on such technical issues at a far earlier stage. Furthermore, had the appellant not fallen into the genuine but entirely reasonable misunderstanding that it did in relation to the dates by which Proofs were to be filed, it would have again obtained that professional input at a far earlier stage in the process. The same would again be true in respect of the Council's evidence had disclosure of it not been delayed by two weeks thereafter, for reasons which have never been explained to the Appellant. All three would, in short, have enabled the appellant to reach a clear and concluded view on the ground (a) issues far earlier in the process, resulting either in no wasted costs on the Council's part, or at least a far more limited set of such costs.

30. Ultimately, it is simply not 'unreasonable' within the definition in the PPG for the appellant to have sought out and awaited technical advice on technical planning matters requiring technical judgment calls, prior to assessing the position as regards ground (a). Had it not been for the three matters above, all of which were beyond the control of the appellant, and the fault for all of which cannot fairly be laid at its door, that is precisely what would have happened at an earlier stage, avoiding any costs issues entirely.

31. That being so, unless the Inspector is satisfied that the appellant has behaved unreasonably in respect of each of those three matters (which it is submitted would be a wholly unsustainable assessment), the costs application must fail – the appellant has simply not acted unreasonably as regards the factors that actually sit behind the procedural defect of which the Council complains. It would be wholly contrary to the aims of the costs regime clearly identified by the Secretary of State to punish the appellant for seeking the necessary technical input to conduct the appeal properly and fairly. This head of costs should be dismissed.

32. In the alternative, if the Inspector does not accept the appellant's analysis in full, the appropriate course to reflect the above three matters would be to render a time-limited award of costs, excluding any work done between 12th June 2026 and 7th July 2026, those two dates bookending the extent of the second and third matters identified above. During that period, the appellant's approach simply cannot be described as unreasonable on any view, even if greater or more detailed input could have been sought earlier.

33. Procedural unfairness in respect of the SoCG adds almost nothing to item (2) above. Up to and including the point at which the Council's Proofs of Evidence were submitted on 23rd June, the lack of production of a statement of common ground generated no extra work or expense on the Council's part. The complaint is, in reality, part and parcel of the above complaint that the Council was put to unnecessary work in defending ground (a) at all, due to the late withdrawal. It is unrealistic to suggest that the evidence produced was more detailed or comprehensive as a result – even where matters are contained within a statement

of common ground, it is necessary properly to evidence them within Proofs of Evidence, to provide the Inspector with the necessary evidential basis to render a defensible conclusion. The Council would therefore have been required to cover all such matters in its Proofs, regardless.

34. After that date, it is perfectly clear that a statement of common ground only on grounds (d), (f), and (g) would have served only to generate unnecessary extra cost, rather than assisting in any material way. It is perfectly common for ground (d) appeals to proceed with no statement of common ground at all, as the parties are by their nature disagreeing on most material issues, and because the issues are themselves highly fact-dependent, and dependent upon the evidence that ultimately emerges. A statement of common ground produced purely for the purposes of this ground (d) appeal would either have been so short as to be pointless, or so enlarged by recording 'areas of disagreement' as to be actively unhelpful. Not producing one after 23rd June is not, therefore, unreasonable, but an instance of entirely reasonable and proportionate behaviour on the appellant's part, to seek to keep costs down. It is in any event noteworthy that at no point after 23rd June did the Council feel sufficiently strongly about the absence of a statement of common ground to produce one itself.

35. Furthermore, as noted above, the appellant was not in receipt of the Council's Proofs of Evidence until 7th July 2026 – two full weeks after they were submitted to PINS, and just two weeks before the inquiry was due to open. It is difficult to see how the appellant could usefully have progressed a statement of common ground with no sight at all of the Council's evidence until so late in the day.

36. As such, there is simply nothing identified under this third head of the Council's application that gives rise to any proper or legitimate basis for an award of costs. It, too, should be dismissed. For those reasons, the appellant invites the Inspector to dismiss the Council's application for costs.

Inspector Reasons

37. 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.

38. On substantive grounds, it is now not for me to assess whether or not the ground (a) appeal should have been made and then advanced in terms of its merits. Rather, I agree with the appellant that it is the procedural claim that is really at the heart of the Council's application.

39. On procedural grounds, the appellant engaging a planning consultant who then could not conduct the case further is not somewhat unusual. In any event, that was known before the Case Management Conference (CMC) on 15 May 2026 and so reasonable time in respect of the timetable still remained.

40. Whatever date the appellant was then working towards to submit proofs of evidence, albeit for my part the deadline had been made abundantly clear during the CMC and in my subsequent Note, it was not until the submission of a revised proof of evidence with accompanying email on the evening of 6 July that the ground (a) appeal was withdrawn. That was almost two weeks after the Council had submitted all its proofs of evidence in a timely fashion, and even after the date of 3

July that the appellant had decided to work towards. It was then consequently only two weeks until the Inquiry opened. That the proofs of evidence could then only be exchanged at that point arises entirely from the actions of the appellant and for which explanation about the apparent overlap between the proofs of evidence and injustice had been provided. In any event, the appellant already had the benefit of the Council's Statement of Case to understand their position.

41. There is little evidence that the appellant gave indication that it was reviewing its position in this way prior to the evening of 6 July. Even if I am wrong, in submitting its proofs of evidence in a timely manner, or even if it had not done so until the date the appellant had decided to work towards, the Council had incurred significant unnecessary and wasted expense producing proofs of evidence in respect of the ground (a) appeal.

42. Whether or not individual actions or choices on the part of the appellant amounted to unreasonable behaviour, the collective result of withdrawing the ground (a) appeal so late clearly amounts to unreasonable behaviour and costs have flowed which should not be artificially time limited given the Council's consequent wasted expense. This is also because it extends to the Council's preparation of the core document bundles, in respect of what related to the ground (a) appeal, as well as it booking an appropriate third-party venue for 4 days and for which the final day was not required. I accept that had the appeal also proceeded on ground (a) that final day would have been required, and so those costs amount to unreasonable and wasted expense for the Council.

43. The appellant was required to draft a SoCG, but did not do so, and despite what I communicated during the CMC and in my subsequent Note. The appellant therefore did not engage in this process which amounts to unreasonable behaviour. However, given my findings in respect of the withdrawal of the ground (a) appeal, there is little evidence of further wasted expense arising for the Council, as it was always likely going to be necessary to cover the points raised in respect of the remaining grounds of appeal in the Council's proofs of evidence.

Conclusion

44. Accordingly, unreasonable behaviour resulting in unnecessary or wasted expense has partially occurred and so a partial award of costs is warranted.

Costs Order

45. 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 AZARA GIDA SAN.VE TIC.LTD.ŞTİ. shall pay to the City of Bradford Metropolitan District Council the costs of the appeal proceedings described in the heading of this decision as then particularised in this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

46. The Council is now invited to submit to AZARA GIDA SAN.VE TIC.LTD.ŞTİ. to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Paul T Hocking

INSPECTOR