
Costs Decision

Site visit made on 12 June 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Costs application in relation to Appeal Ref: APP/Z4718/D/20/3249854 4 Inglewood Avenue, Birkby, Huddersfield HD 2DS

- 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 Ali for a full award of costs against Kirklees Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a two-storey side and rear extension (to form five bedrooms), internal alterations, an external makeover and a raised decking area.
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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. The general principle embodied within the guidance is that the parties involved should normally meet their own expenses. I have carefully considered the matter of a full, and indeed, a partial award of costs.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal, and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, and/or refuses planning permission on a ground capable of being dealt with by conditions.
4. The applicants submit that the Council have behaved unreasonable by refusing the application by not substantiating their reasons for refusal outlined in the decision notice. With particular regard to the Council's analysis of the character and appearance of the area, and the effect on the living conditions of neighbouring occupiers. Therefore, the applicants consider the reasons to be unsubstantiated and based on inaccurate assertions. They also feel that the Council did not engage with the applicants in a positive and proactive manner.
5. However, I am satisfied that the Council's reasons for refusal set out in the decision notice, are complete, precise, specific and relevant to the application, and clearly states the policies of the Local Plan that the proposal would be in conflict. Furthermore, the analysis of the issues within the Council officer's report is also reasonable. I also note the Council's correspondence with the

applicants regarding amended plans and an extension of time to determine the application.

6. Therefore, these have not resulted in the applicants incurring unnecessary or wasted expense in the appeal process, and the Council have not acted unreasonable in this regard.
7. The refusal of planning permission therefore does not constitute unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG, and the applicants has not been faced with the unnecessary expense of lodging the appeal.

R Cooper

INSPECTOR