
Costs Decision

Site visit made on 28 July 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2020

Costs application in relation to Appeal Ref: APP/A4710/W/20/3250700 24 Bridle Stile, Shelf, Halifax HX3 7NW

- 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 Mrs Philippa Kermotschuk for a full award of costs against Calderdale Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for two detached dwellings.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The application for costs notes the fact that that Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action.
4. It is claimed that the Council has failed to produce evidence to substantiate the reasons for refusal in the appeal, and it has failed to grant planning permission for a scheme that should clearly be permitted. It is further claimed that the Council's objections represented vague, generalised and inaccurate assertions about the impact of the development which were not supported by any objective analysis which have delayed development which should have clearly been permitted.
5. In this case, I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of planning judgement. The Council members in this case were entitled not to accept the professional advice of the officers if a case could be made for the contrary view.
6. Whilst I have not agreed with Council Members in relation to the reasons for refusal, they relate to matters of planning judgement and the committee were entitled to come to that conclusion although it differed from officer views. The reasons for refusal clearly express the grounds on which the proposals were found to be unacceptable and details of relevant Local Plan Policy were

¹ Paragraph: 030 Reference ID: 16-030-20140306

provided in support. Consequently, it follows that I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal.

Conclusion

7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR