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## Costs Decision

Site visit made on 7 July 2020

**by T J Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> September 2020**

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### **Costs application in relation to Appeal Ref: APP/A4710/W/20/3247247 45 Wakefield Road, Hipperholme, Halifax HX3 8AQ**

- 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 Torsion Care Ltd for a full award of costs against Calderdale Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for the demolition of existing former junior school building to facilitate a new 66-bed residential care home.
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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)<sup>1</sup> 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 essentially relies on the fact that Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action without proper reason to do so.
4. 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 as long a case could be made for the contrary view.
5. It will be seen from my decision, that I agree with Council Members in relation to the second reason for refusal and that there were sufficient grounds for refusing planning permission in relation to the harm to living conditions of adjoining occupiers that would arise as a result of the appeal proposal. Whilst I have not agreed with the first reason for refusal, this is a matter of planning judgement and the committee were entitled to come to that conclusion although it differed from officer views. Details of relevant Local Plan Policy were provided in support of the reasons for refusal. Consequently, it follows that I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal.

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<sup>1</sup> Paragraph: 030 Reference ID: 16-030-20140306

## **Conclusion**

6. 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