
Costs Decision

Site visit made on 19 May 2021

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2021

Costs application in relation to Appeal Ref: APP/Z4718/C/21/3268920 Woodleigh, Vicarage Road, Savile Town, Dewsbury, WF12 9PD

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ayub Patel for a full award of costs against Kirklees Metropolitan Borough Council.
 - The appeal was against an enforcement notice alleging the erection of a single storey extension to an outbuilding.
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Decision

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

Reasons

2. The appellant submits that there is no justifiable reason as to why the Council could not have imposed a condition in the first place and approved application 2019/93944, the subject of recent appeal decision (Ref: APP/Z4718/W/20/3254836) issued on 14 December 2020.
3. The Planning Practice Guidance 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.
4. The question of a suitable planning condition to address the retention of boundary screening was a matter considered by the Council and subsequently put before the previous Inspector. In the event, the appellant's argument was not supported. I do not regard the Council's conduct to have been unreasonable and, accordingly, the application does not succeed.

B.S.Rogers

Inspector