



Costs Decision

Site visit made on 14 December 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Costs application in relation to Appeal Ref: APP/Z4718/D/21/3280768 3 Two Gates, Holme Lane, Slaithwaite, Huddersfield HD7 5UG

- 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 K Ryall for a full award of costs against Kirklees Metropolitan Council.
 - The appeal was against the refusal of the Council to grant permission for the erection of a detached sunroom.
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Decision

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

Reasons

2. Paragraph 030¹ of the *National Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Paragraph 051² of the PPG states that awards against appellants may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. The applicant argues that the Council has misapplied Green Belt Policy as the reason for refusal states that the proposal would be a new building in the Green Belt. The applicant states that it would be a replacement building.
4. The officer's report states that the proposed sunroom would replace an existing shed. As such the Council was clearly aware that there was a shed on the site. However, its presence was given little weight as it is sited within the plot of a listed building and it does not appear to have permission. I appreciate that the existing shed is not attached to the listed building, but it is sited within its plot. Accordingly, the sunroom was considered to be a new building. I see no reason to disagree with the Council on this point.
5. Moreover, even if treated as a replacement building, Paragraph 149 of the National Planning Policy Framework sets out that although replacement buildings are not inappropriate development in the Green Belt, they must be in the same use and not materially larger than the building being replaced. The sunroom would be materially larger than the existing shed and would not therefore meet the exceptions set out in Paragraph 149.

¹ Reference ID: 16-030-20140306

² Reference ID: 16-051-20140306

6. As such there is no evidence of unreasonable behaviour before me.
Unreasonable behaviour leading to wasted expense at appeal has not been demonstrated and the application for an award of costs is refused.

A Edgington

INSPECTOR