



Costs Decision

Site visit made on 4 December 2023

by B S Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Costs application in relation to Appeal Ref: APP/X4725/C/23/3317546 63 Swift Way , Wakefield , WF2 6SR

- 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 Ms C Bewley for a full award of costs against Wakefield Metropolitan District Council.
 - The appeal was against an enforcement notice alleging an unauthorised ground floor extension to the rear of the dwellinghouse.
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Decision

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

Reasons

2. The appellant submits that the Council's issue of the enforcement notice was unreasonable, given the minimal differences between what the Council granted under Prior Approval and what has been carried out. The Council should have concluded that the development did not warrant the issue of a notice and could have been resolved by advising the appellant that planning permission should be granted on submission of an application.
3. The Council indicates it notified the appellant in April 2021 that planning permission was required for the development as built but no planning application was submitted at that time; the appellant maintained that the scheme was permitted development. However, this argument was not pursued in the present appeal; there was no appeal on ground (c). The Council has under enforced in this case, not requiring a further unauthorised building to be demolished. Its approach has been proportionate and reasonable, in line with national guidance.
4. Parties in planning appeals normally meet their own expenses. However, 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.
5. In this case, the appellant constructed an extension which differed from the approved scheme and which required planning permission. She was advised as such by the Council and had the option of submitting a planning application for the development as built. She appears to have chosen not to and the Council was entitled to pursue the matter by way of the issue of an enforcement notice.
6. Whilst I disagree with the Council on the planning merits of the case, nonetheless the Council put forward a cogent argument in support of its

decision to pursue enforcement action. As such, I do not find the Council's actions to be unreasonable. Accordingly, the application for costs does not succeed.

B S Rogers

INSPECTOR