



Costs Decision

Site visit made on 4 December 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Costs application in relation to Appeal Ref: APP/A4710/D/23/3326792 Pike Farm, Pike End Road, Rishworth, Sowerby Bridge HX6 4QS

- 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 Ms Carris Simm for a full award of costs against Calderdale Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission originally described as farmhouse remodel and extension.
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Decision

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

Reasons

2. 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.
3. The applicant sets out that the time it took the Council to determine the application was excessive. Furthermore, there was almost no engagement with the applicant and very little feedback provided about the proposal despite repeated requests for information. The applicant sets out that by taking so long to decide the application and failing to explain the reasons for the delay, the Council behaved unreasonably. They state that the reasons for refusal are unsubstantiated and there is no delegated report, so it is difficult to understand why the decision has been reached and the evidence used to support it. They employed an agent to prepare, submit and manage the appeal and to represent them throughout the appeal process.
4. The Council state that dialogue took place on several occasions and resulted in amended schemes being submitted and reviewed. They acknowledge that there was considerable delay in determining the application, but the Council was experiencing unprecedented workload levels that resulted in a substantial backlog of applications. They also recognise that the officer's report had been misfiled. However, they consider that the reasons for refusal sufficiently detailed why the proposal was refused.
5. The delay in deciding the application was considerable but there was some dialogue between the parties (as an amended scheme was provided), and the Council has provided adequate reasons for the delay. Moreover, there is no clear evidence to demonstrate that greater dialogue would have avoided an appeal. It does not appear that the applicant contacted the Council to see if there was an officer's report before submitting the appeal to allow a greater

understanding of the reasons for refusal. The reasons for refusal and officer's report were clear to support and substantiate the Council's stance.

6. For the reasons set out above, the applicant has not shown that the Council's refusal of planning permission was unreasonable and that has directly caused the applicant to incur unnecessary or wasted expense in the appeal process. I conclude therefore, that the application for an award of costs should be refused.

L Wilson

INSPECTOR