



Costs Decision

Site visit made on 10 July 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Costs application in relation to Appeal Ref: APP/A4710/W/24/3341530 3A Heath Hall, Halifax, Calderdale HX1 2PN

- 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 Calderdale Metropolitan Borough Council for a full award of costs against Mr Keanu Mazlomi.
 - The appeal was against grant of planning permission subject to conditions of planning permission ref 23/00811/FUL for a basement conversion to form one bedroom apartment.
-

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 Council seeks an award of full costs against the appellant on the basis that the condition in dispute was agreed with the appellant's agent in advance of the Council issuing the planning consent.
4. The evidence provided by the Council demonstrates that the appellant agreed that the porch could be dealt with by condition. However, the detailed wording of the condition does not appear to have been agreed and neither was there any necessity for the Council to do so.
5. The appeal process is available for appellants to seek to remove or vary planning conditions notwithstanding whether or not those conditions have been agreed. In submitting the appeal, the appellant has not thereby acted unreasonably.
6. Furthermore, I have found in my appeal decision that the disputed condition is not a valid condition.

Conclusion

7. For the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified against the appellant.

C Billings

INSPECTOR