



Costs Decision

Site visit made on 27 January 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Costs application in relation to Appeal Ref: APP/A4710/D/24/3351630

Bold Hall Farm, Greetland Road, Barkisland HX4 0DE

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr M Szemruk for a full award of costs against Calderdale Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the erection a of double garage.
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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 Council's case is inconsistent and not based on facts. In addition, the Council refused the application without further discussion or final comments. In contrast, the Council set out that the site has a complicated planning history, and they communicated with the agent before making their decision.
4. The emails demonstrate that there had been correspondence between the main parties, and an extension of time had been given. Whilst the application was refused before the applicant felt the discussion had concluded, the main parties had a different interpretation of the original building. The interpretation of the original building is not straightforward given the planning history of the site, and no clear planning policy definition for such circumstances. Nonetheless, the Council's case satisfactorily sets out their reasoning and I am not convinced that additional dialogue would have resulted in a different outcome.
5. The reason for refusal and delegated report were clear to support and substantiate the Council's stance. Accordingly, the Council has not prevented development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.
6. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

L Wilson

INSPECTOR