Costs Decision

Site visit made on 11 March 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Costs application in relation to Appeal Ref: APP/V2004/D/25/3358979
542 Holderness Road, Kingston Upon Hull HU9 3ES

- 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 Dylan Hayward for a full award of costs against Kingston-Upon-Hull City Council.
- The appeal was against the refusal of planning permission for rendering the front of the property.

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, causing the party applying for costs to incur unnecessary or wasted expense at appeal. The Council must behave reasonably in relation to procedural matters at appeal and with respect to the substance of the matter under appeal. Unreasonable behaviour may include preventing development which should clearly be permitted; failure to evidence a reason for refusal; or vague, generalised or inaccurate assertions about a proposal's impact.

3. This application for costs sets out expenses incurred by the applicant in preparation of the planning application. It does not however present any substantive evidence of unreasonable behaviour by the Council.

4. Costs can only be awarded in relation to unnecessary or wasted expense at appeal. The reason for refusal is set out in the decision notice. Justification is provided in the Council's officer report, with reference to local and national planning policy. It will be seen from my decision that I agree with the Council's judgement with regard to the substance of the matter under appeal and I consider there were sufficient grounds for refusing planning permission. I therefore do not find that the Council has acted unreasonably in respect of this matter. As such there can be no question that the applicant was put to unnecessary or wasted expense as a result.

Conclusion

5. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ryan Cowley

INSPECTOR