
Costs Decision

Site visit made on 22 April 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Costs application in relation to Appeal Ref: APP/Z4718/W/25/3359558 44 Dewsbury Gate Road, Dewsbury WF13 4DD

- 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 Abid Shiraz for a full award of costs against Kirklees Metropolitan Council.
 - The appeal was against the refusal of the Council to grant planning permission for a new detached dwelling.
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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 has submitted a costs application with a brief reference only to a chartered architect's fee for preparing and submitting the appeal. No evidence has been provided to demonstrate how, either substantively or procedurally, the Council has acted unreasonably to cause the applicant unnecessary expense.
4. Unreasonable behaviour may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases consistently.

The reasons for refusal are set out in the officer report and decision notice and they are complete and relevant to the planning application. The reasons for refusal are linked to the policies in the development plan and the National Planning Policy Framework. Therefore, the Council has not acted unfairly or unreasonably in refusing planning permission.

Conclusion

5. In view of the above, no unreasonable behaviour has been demonstrated. Therefore, an award of costs is not justified against the Council.

C Walker

INSPECTOR