



Costs Decision

Site visit made on 18 July 2025

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2025

Costs application in relation to Appeal Ref: APP/J4525/D/24/3352994

64 Grosvenor Street, Southwick, Sunderland, SR5 2EQ

- 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 Mr Sinan Ye for a full award of costs against Sunderland City Council.
- The appeal was against the refusal of planning permission for *"there are total 5 physical elements comprised in this Proposal. Element 1 : A smaller Dormer to provide extra space for convenient Medical Equipment, feature can match 7 Double-Fronted new houses for those seats on public Highway; Element 2 : Safety Bars, to prevent one-hand disabled Mia fall out, feature can match those galvanised zinc colour on Common Land; Element 3: auxiliary Canopy above the window, to prevent raindrop water slip inside; Element 4: window shutter, for some shade to respect the Privacy lamp; Dignity for disabled, features can match cladding of 7 houses or the fences up boundary; Element 5: safety wall lamp to brighten the footpath, assistant of gaining access under Equality Act 2010, improving access includes steps and stairs, passageways and paths, entrances and exits, internal external doors, toilets, signs, lighting and ventilation, even the size of premises"*.

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 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. Unreasonable behaviour in the context of an application for an award of costs may be either: procedural, relating to the process; or substantive, relating to the issues arising from the merits of the appeal.
3. The claim made by the applicant is that the local planning authority (LPA) did not properly consider matters relating to a disabled occupant of the property. Moreover, the applicant refers to land, environmental and mental health compensation, rights of way, and to the development of fourteen semi-detached houses within the boundary of the 'Grosvenor Common Land'. The dispute regarding Grosvenor Common Land is not directly relevant to subject appeal and, in this regard, the LPA has not displayed unreasonable behaviour in the appeal process.
4. I have considered the officer report which led to the refusal of planning permission. The LPA do consider disability matters in the report. Indeed, it states, *'the applicant has stated within the application that the proposal would be of benefit to a disabled person'* and *'the potential benefits of these additions, would not outweigh the negative impact provided by the works, on the visual amenity of the both the host property and wider street-scene'*. While the LPA did not specifically refer to relevant parts of the Equality Act 2010 or Human Rights Act 1998 in its officer report, I do

not find that this is fatal. This is because I am satisfied that the LPA did, in any event, reasonably consider and balance the personal circumstances of occupiers of the property, including occupation by a disabled occupant, against the harm caused in planning terms.

5. For the above reasons, I find that the LPA has reasonably substantiated its position in terms of its refusal of planning permission and that all relevant material planning considerations were considered by it and balanced in reaching such a decision. In this case, I do not find that the evidence indicates that the LPA has behaved unreasonably in procedural or substantive terms leading to unnecessary or wasted expense in the appeal process.

Overall Conclusion

6. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Hartley

INSPECTOR