



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/C/25/3360295

64 Grosvenor Street, Southwick, Sunderland, SR5 2EQ

- The application is made under the Town and Country Planning Act 1990, sections 174, 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 an enforcement notice alleging without planning permission, the construction of an upstand/plinth, timber fence and brick pier/mock chimney above the ridge of the main roof of the dwelling, detailed in the attached photographs titled "EN Photographs".
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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 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 appellant's claim for an award of costs against the Council has not been made in a succinct or clear manner. Nonetheless, in considering the appellant's award of costs form, and the two documents referred to as '*list of costs award/compensations against Sunderland City Council*' and '*more appeal and additional costs award statement*', the claim appears to focus on the following matters: -
 - (i) The Council/officers allegedly acting fraudulently and/or abusing their power and/or displaying harassment type behaviour;
 - (ii) land compensation, environmental compensation, mental health compensation;
 - (iii) unreasonable behaviour from the Highway Authority requiring a ramp on the highway to be removed;
 - (iv) unreasonable behaviour by the Council's Building Control service in terms of erecting fencing to the front the appeal property as a safety precaution during high winds;
 - (v) matters relating to a site elsewhere and associated common land matters, and,

- (vi) a failure to consider the Human Rights of occupiers of the appeal site including the engagement of the public sector equality duty (PSED).
4. The matters listed in (i) to (v) above are not directly relevant to appeal. I do not find that in respect of these matters the evidence demonstrates that the local planning authority (LPA) has displayed unreasonable behaviour in the appeal process which has led to any unnecessary or wasted expense.
 5. In respect of the matter listed at point (vi) above, the appellant may be questioning whether the Council considered disability issues when deciding that it was expedient to take enforcement action.
 6. In the case of the subject appeal, it is noteworthy that it has proceeded only on ground (f) of section 174(2) of the Act. In this regard, I have not been able to balance Human Rights or PSED matters as part of the consideration of a deemed planning application. This is because a ground (a) appeal has been barred. The appeal assessment has focussed solely on matters relating to ground (f) of section 174(2) of the Act.
 7. As above, I am not entirely certain if the appellant is challenging the LPAs decision that it was expedient to take enforcement action. If that is the case, I would emphasise that the courts have held that any challenge as to whether it was expedient for the LPA to issue the notice must be pursued by way of judicial review. I do not have jurisdiction to determine whether the Council complied with section 172 of the Act. I emphasise, however, that in the planning application officer report¹, which was written before the unauthorised development took place, reference is clearly made to disability benefits not outweighing the negative impact of the additions (including the appeal development) on the character and appearance of the host property and the area. Such a report also considers the PSED.
 8. In this case, and, for the above reasons, I do not find that the evidence indicates that the LPA/Council has behaved unreasonably in procedural or substantive terms leading to unnecessary or wasted expense in the appeal process.

Overall Conclusion

9. 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

¹ Planning application reference 24/01177/FUL