



Costs Decision

Site visit made on 18 August 2025

by **A Hartley, LLB (Hons), Solicitor, MBA**

an Inspector appointed by the Secretary of State

Decision date: 04 September 2025

Costs application in relation to Appeal Ref: APP/M4510/D/25/3367777 65 Linden Road, Gosforth, Newcastle upon Tyne NE3 4HA

- 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 Ms Kiran Ahmad for a full award of costs against Newcastle City Council.
 - The appeal was against the refusal of the Council to grant planning permission for the partial demolition and rebuilding of a 0.6m boundary wall with 1.35m high piers and creation of a new driveway.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. 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. Paragraph 033 of the PPG indicates that whilst costs cannot be claimed for the period during determination of the planning application, behaviour and actions at the time of the planning application can be taken into account when considering whether or not costs should be awarded. All parties are expected to behave reasonably throughout the planning process.

Procedural Issues

4. Paragraph 047 of the PPG indicates that local planning authorities will be at risk of a procedural award being made against them for reasons including lack of co-operation and failure to meet deadlines.
5. At the application stage the Council informally indicated in correspondence that the application would be likely to be approved provided that the pillars were reduced in height. Determination of the application took longer than eight weeks to enable amended plans to be submitted and further considered. The Council's communications were generally caveated to explain that the final decision had not yet been reached. However, when all e mails are considered together, I can understand that the formal decision to refuse would have been a surprise to the applicant.

6. That said, although unfortunate and frustrating for the applicant, better communication between the Council and the applicant would not have avoided the need for appeal in this case. Accordingly, I find that the pre application correspondence and the delay in determining the application do not demonstrate unreasonable behaviour on the part of the Council resulting in unnecessary or wasted expense in the appeal process.

Substantive Issue - Similar Case

7. Paragraph 049 indicates that local planning authorities will be at risk of a substantive award being made against them for, amongst other things, not determining similar cases in a consistent manner.
8. At 26 West Avenue, Gosforth, within the Gosforth Conservation Area (GCA), planning permission was granted by the Council for a similar proposal in 2010. Whilst the Gosforth Conservation Area Management Plan (2009) was updated in 2011, whether or not the policy context remained unchanged since the previous decision, it does not create a binding precedent, with each application to be determined on its own merits.
9. It will be seen from my decision that I have found the appeal proposal would give rise to a level of harm to the GCA that is in terms of the National Planning Policy Framework (the Framework) less than substantial.
10. Taking the planning permission at 26 West Avenue into consideration has not changed the outcome of the appeal. Consequently, I do not find unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process.

Substantive Issue - Public Benefits

11. It is alleged that the Council has failed to take into account relevant material considerations that amount to public benefits of the appeal proposal. These include providing energy efficiency from electric vehicle charging (EV charging), decreasing flood risk from introducing a permeable surface and removing a public safety risk by demolishing a structurally unsound wall.
12. EV charging could be introduced without planning permission, but as it was not referred to in the appeal proposal, the Council cannot be criticised for not taking it into account as a public benefit, as it would not be within its control to require it.
13. There is little evidence to substantiate the level of benefit in terms of decreasing flood risk. Although the Council did not take it into account as a potential benefit at all, as can be seen in my decision, it would not have changed the outcome of the appeal had it done so.
14. The structural integrity of the boundary wall is the responsibility of its owner. Its repair does not equate to a public benefit arising from the appeal proposal. The Council is not at fault in this regard.
15. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense on the basis of failing to consider relevant public benefits of the proposal has not been demonstrated.

Conclusion

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

A Hartley

INSPECTOR