



Costs Decision

Site visit made on 21 October 2025

by D M Love BA(Hons) PGCert MRTPI PISEP

an Inspector appointed by the Secretary of State

Decision date: 6th November 2025

Costs application in relation to Appeal Ref: APP/V2004/W/25/3369728

28 Dover Street, Kingston-upon-Hull HU3 1PS

- 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. Girdham of Myton Gate Property Group for a full award of costs against Hull City Council.
 - The appeal was against the refusal of planning permission for the change of use from three flats to a 7 bed house in multiple occupancy.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. It also states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by objective analysis. 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 Council's decision to refuse planning permission was done so against the advice of its officers. Whilst the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached it has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
4. The reason for refusal relates to the impact of the proposed development on local parking provision and the potential effect on highway safety and local amenity resulting from increased demand. The Council has relied on the minutes from the committee meeting which comments that the proposal would provide additional pressure to on-street parking at odds with Policies 7, 26 and 32 of the 2017 adopted Hull Local Plan 2016 – 2032 (HLP). However, there is no reasoning to go with this statement to go against the advice and position of the highway authority and the applicant's parking surveys.
5. The Council does not provide any substantive evidence to support their position other than stating the proposal would provide an unacceptable level of on-street

parking demand without taking into consideration the flexibility to be applied within Policy 32.

6. In the planning judgement, it appears to me that having regard to the provisions of the HLP, National Planning Policy Framework and other material considerations, the development proposed should reasonably have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour contrary to the PPG and the applicant has been faced with the unnecessary expense of lodging the appeal.
7. As a result, I find that the Council has behaved unreasonably by not providing an objective analysis to substantiate the reason for refusal.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hull City Council shall pay to Mr. Girdham of Myton Gate Property Group the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Hull City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

D M Love

INSPECTOR