
Costs Decision

Site Visit made on 3 November 2025

By J Whitfield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

**Costs application in relation to Appeal Ref: APP/W4515/X/25/3360583
Land Opposite Fenwick Pit Site, East Holywell, Earsdon to Backworth Link,
Newcastle Upon Tyne, NE27 0JW**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Vas Mukhtar for a full award of costs against North Tyneside Council (the LPA).
 - The appeal was against the refusal of a certificate of lawful use or development for “land use for storage (across whole site as a single planning unit itself, under one title and one ownership)”.
-

Decision

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

Reasons

2. Parties in 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.
3. The applicant’s cost claim is predicated essentially on the basis that the LPA’s refusal of the LDC was unreasonable because the applicant presented evidence to the LPA and the LPA’s arguments made “no sense”. The applicant also cites the LPA’s “U-turn” in their position. Finally, the applicant states they did not want to appeal but had to do so.
4. However, the LPA gave reasons for their refusal, setting out clearly on the decision notice that it considered insufficient evidence had been provided to demonstrate lawfulness of the use. Likewise, the LPA’s officer report sets out the appropriate legal tests and applied them to the applicant’s evidence. Moreover, the applicant’s point regarding correspondence in 2014 carries very little weight on the substantive matters of the appeal. I see nothing unreasonable in the LPA’s approach to the LDC application having regard to the correspondence from 2014 which was, in essence, informal. Overall, the fact that the LPA did not simply accept the appellant’s evidence and issue an LDC accordingly is not unreasonable.
5. Consequently, the applicant’s claim of unreasonable behaviour on the LPA’s behalf is without merit. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Whitfield

INSPECTOR