



Costs Decision

Site visit made on 7 October 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2025

Costs application in relation to Appeal Ref: APP/X4725/W/25/3369626

14 Avondale Street, Wakefield WF2 8DP

- 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 Ryan Beaumont of Beaumont & Partners Ltd for a full award of costs against Wakefield Metropolitan District Council.
 - The appeal was against the refusal to grant planning permission for the proposed change of use from ground floor hot food takeaway (use class sui generis) and ground/first floor residential apartment (use class C3) to HMO (use class sui generis) including demolition of existing garage/store and erection of two storey extensions to the rear and side.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. The applicant seeks a full award of costs as they say the Council behaved unreasonably by refusing their planning application for a reason which they say is vague and has not been substantiated. In addition, it is argued that the Council has not had regard to its earlier officer opinion when it recommended an HMO proposal at the appeal site for approval that had a much smaller area of external amenity space and a greater number of occupiers, and because they say the Council has not benchmarked its assessment against its decisions on other similar developments. The applicant has also raised concerns at the Council's handling of the application, particularly the lack of engagement and the time it took to make its decision. The Council has disputed this.
4. In my decision I found that the proposed external amenity space was of a sufficient size, and quality, which allowed functional and private space for the future occupiers of the proposed development, and I allowed the appeal.
5. The Council has no minimum size requirements for external amenity space that a House in Multiple Occupancy (HMO) should have within its planning policies, instead it made a subjective assessment of the private amenity space and heavily relied on the concerns expressed by the Inspector on the earlier appeal decision¹ (the earlier appeal decision). That appeal related to several disjointed areas of

¹ Ref: APP/X4725/W/23/3316102

external amenity space that was to serve 14 no. occupiers and would have had 10 no. HMO rooms. The proposed development in this case, is significantly different, with 8 no. HMO rooms and it would have 8 no. occupiers, and the size and layout of the proposed external amenity space has also been altered in response to the earlier appeal decision. The findings of the Inspector on the earlier appeal decision were not directly applicable to the much different proposal on this appeal, and to rely on them was not reasonable.

6. The Council has not provided any substantive evidence of why the proposed external amenity space would be inappropriate or inadequate, nor has it demonstrated why it would be over intensively used or why it would not be capable of meeting future occupiers' basic needs, to support its reason for refusal. In addition, it has not justified why the proposed area, said to be some 40 square metres, would not be capable of being used for drying clothes or relaxing by future occupiers. Whilst this is a subjective issue, its judgements are unsupported by the relevant planning policies, and they have not been properly substantiated. Notably, they also contradict my own findings.
7. The Council said it has changed its approach to external amenity space for HMOs recently, in response to changes in planning policy amongst other reasons. Both Policies LP4 and LP56 of the Wakefield District Local Plan 2036 (adopted January 2024), collectively require there to be no significant detrimental impact on prospective users; no harm to the amenity of future occupiers; and that adequate provision is made for external communal areas. These are subjective policies, requiring an assessment on a case-by-case basis, key parts of the policies require 'adequate provision' and 'no significant detrimental impact'. In my decision I found that these policies were not adequate justification for refusing the proposed development.
8. It is unclear what recent changes have been made to the National Planning Policy Framework (the Framework), which directly relate to the main issue on this appeal and support the Council's approach in this case. In my decision I found the proposed development to comply with paragraph 135 of the Framework that requires a high standard of amenity for existing and future users. In addition, I was not aware of any recent changes to the Nationally Described Space Standards 2015 relating to the private amenity space for HMO developments that are relevant to this appeal. As such, I have not been persuaded that the Council has shown a policy basis, including any recent changes, to reasonably refuse the application.
9. Consequently, I am persuaded that the Council has failed to substantiate its reason for refusal or demonstrate conflict with relevant policies of its development plan, as a result unreasonable behaviour has occurred and in view of the above, the appeal could have been avoided, along with the costs associated with making it.
10. It is accepted that the officer report on the application the subject of the earlier appeal decision, which was said to have been recommended for approval by officers but refused by Planning Committee and subsequently dismissed at appeal, did not bind the Council and the ultimate decision to refuse that application was the decision of the Council. I do not accept that the failure to follow the officer opinion expressed on that previous application would constitute unreasonable behaviour, particularly given the intervening events.

11. I note the examples referred to by the applicant and those cited by the Council of the differing decisions on HMO applications regarding living conditions for future occupiers and external amenity space. Given the limited information provided on these examples, I cannot properly compare them to the appeal proposal. Nor was I convinced that the Council needed to benchmark its decisions, as relevant planning policy required a subjective assessment in each particular case.
12. In terms of procedure, the planning application was validated on 5th April 2024. It is noted that considerable dialogue subsequently occurred between the Council and the applicant to try and resolve issues, which resulted in amendments being made and revised plans being provided, along with an extension of time being agreed for its determination. I am satisfied that there was engagement by the Council to try and explore solutions to the issues it had identified.
13. However, the submitted email correspondence between the applicant and the Council shows that the applicant was regularly chasing a decision, particularly from March 2025 onwards. In response, the email exchange shows the Council saying different things; that they intended presenting the application to April's Planning Committee, which is then cancelled; then the case officer is said to be contacting a councillor regarding their objection; and latterly in July 2025 that it will be refused under the delegated procedure. This delay took 2 months or more following receipt of the last email from the applicant that provided information related to the proposed development. No satisfactory reason for the Council's delay in making its decision has been provided. In view of my findings on the appeal decision, this delay was for no good reason and also constitutes unreasonable behaviour.
14. 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

15. 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, IT IS HEREBY ORDERED that Wakefield Metropolitan District Council shall pay to Mr Ryan Beaumont of Beaumont & Partners Ltd, 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.

The applicant is now invited to submit to Wakefield Metropolitan District 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.

A Hunter

INSPECTOR