
Costs Decision

Site visit made on 2 December 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Costs application in relation to Appeal Ref: APP/M4510/W/25/3373018

7 Saint Oswalds Green, Walker, Newcastle Upon Tyne NE6 4AF

- 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 Newcastle Upon Tyne City Council against Kidscape Living Ltd for a partial award of costs against.
 - The appeal was against the refusal of planning permission for change of use of a house (Class C3a) to a children's home, for up to three children, with a manager and two carers, who will sleep overnight, working on a rota basis (Class C2).
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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 (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 PPG advises that, irrespective of the outcome of the appeal, costs may only 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.
4. The PPG makes it clear that appellants are at risk of an award of costs if they fail to behave reasonably in relation to procedural matters on the appeal. Examples of unreasonable behaviour include:
 - delay in providing information or other failure to adhere to deadlines; and
 - introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen.
5. The Council cites unreasonable behaviour on the part of the appellant as they delayed giving their appeal documents to the Council and there was a difference between staffing levels stated within the appellants planning statement and their appeal statement.
6. It is unreasonable that there was a delay in providing the Council with the information submitted as part of their appeal. However, given the complexity of the case and the amount of information submitted the Council were given sufficient time to provide a full and detail statement in response to the appeal. As such the extent of the delay is not sufficient to warrant an award of costs.

7. In regard to the difference in working pattern and number of staff between the planning statement and the appeal statement. The difference is relatively minor, the planning statement states that a third carer and a manager would attend the home during working hours, and the appeal statement does not state that a third carer would attend the dwelling and managerial visits would be less frequent. In light of this minor difference, it cannot be considered 'substantial' and addressing this matter should have been fairly straightforward.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Livingstone

INSPECTOR