



Costs Decision

Site visit made on 9 December 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 25 February 2026

Costs application in relation to Appeal Ref: APP/H1033/Y/25/3368683

Dakin Cottage, Waterswallows Road, Fairfield, Buxton, Derbyshire SK17 7JJ

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Tiffany and Antony Atkinson for a full award of costs against High Peak Borough Council.
 - The appeal was against the refusal of the Council to grant listed building consent for new single garden room extension and conservation repairs to Dakin Cottage.
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Decision

1. The application for a full 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. Unreasonable behaviour in the context of an application for an award of costs may either be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicants have set out several matters that it considers amount to unreasonable behaviour, including a delayed decision and lack of communication; inconsistent feedback resulting in unnecessary revision of plans; failure to provide policy justification and the officer report having contradictory and selective policy use. The applicants consider that this has resulted in unnecessary costs producing revised plans, and to research and present evidence to counter the Council's concerns.
4. The appellants have provided a timeline showing the comments provided and received from the Council. This identifies that the application was not determined by the target date, that there were periods where the Council did not respond to the applicants, and when they did, the Council changed their views on the scheme. I appreciate this was frustrating and meant that plans were revised and submissions were made which were no longer relevant. However, this was during the determination of the application, not during the appeal process.
5. I understand that the way the Council dealt with the application and their subsequent decision is disappointing to the applicants, nevertheless, I do not consider that this represents unreasonable behaviour.

6. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs has been refused.

M J Francis

INSPECTOR