



Costs Decision

by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18/07/2025

Costs application in relation to Appeal Ref: CAS-04169-J4Z9D3

Site address: 2 Llewellyn Street, Merthyr Tydfil CF47 8SR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr Craig Davies (MAINTY Group Consulting LTD) for an award of costs against Merthyr Tydfil County Borough Council.
 - The appeal was against the refusal of planning permission for change of use from a C3 dwelling house to a C4 house in multiple occupancy (HMO) (4 bedrooms and 2 bathrooms).
 - A site visit was made on 26 June 2025.
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Decision

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

Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application was recommended for approval by planning officers but was subsequently refused by the Committee. Paragraph 3.9 of the Annex states that local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers. They are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision.
4. The Council refused the application for two reasons, which primarily arose from objections made by local residents and related to concerns about parking and HMOs more generally, none of which were supported by evidence that would provide reasonable planning grounds for refusal. The Council denies any predetermination by its councillors, stating that all decisions are based on the planning merits and relevant local policies.
5. Although the Council has sought to explain its position on each reason for refusal, it has not provided evidence to support reasonable planning grounds for a decision contrary to the officer recommendation. In the absence of such evidence, I find the decision amounted to unreasonable behaviour as defined in the Annex, resulting in unnecessary expense for the applicant.

6. I note that the applicant agreed an extension of time for the determination of the planning application with the Council. Given the strength of local representations, I consider that the Council was entitled to give full and proper consideration to the matters raised. I have also noted the applicant's concern that reference was made during the committee meeting to "Googling" the site owner but this is a matter for the Council to address and does not fall within the remit of the costs regime.

Conclusion

7. I therefore find that the Council acted unreasonably in refusing the application contrary to officer recommendation, without reasonable and evidenced planning grounds for doing so. As a result, the applicant incurred the costs of pursuing the appeal unnecessarily. I therefore find that a full award of costs is justified in this instance. The application for costs should therefore be allowed, in accordance with the terms set out below.

Costs Order

8. In exercise of the powers under section 322C 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 Merthyr Tydfil County Borough Council shall pay to Mr Craig Davies (MAINTY Group Consulting LTD), the costs of the appeal proceedings described in the heading to this decision.
9. The applicant is now invited to submit to Merthyr Tydfil County Borough 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. In the event that the parties cannot agree on the amount, an application for a detailed assessment by the Senior Courts Costs Office should be considered.

G Hall

INSPECTOR