



## Costs Decision

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by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 15/12/2023

Costs application in relation to Appeal Ref: CAS-02732-Z7V0Y6

Site address: 125 Caerleon Road, Newport NP19 7BZ

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### Decision

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

### 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 for costs has been made by Newport City Council against the appellant on the grounds that planning permission has already been refused for this development and dismissed at appeal (CAS-02675-X1S6Y9), and that there have been no changes to the development since the appeal.
4. As I understand it, the s78 appeal and the appeal against the Enforcement Notice were made within a month of each other and, at the time the appeal was lodged against the Notice, no decision had been made on the s78 appeal. Thus, the appellant could not have been aware of the outcome of the s78 appeal in making the appeal against the Notice.
5. Be that as it may, this appeal would have come into being in any event given that it was made on ground (g) as well as ground (a), and the Council would have needed to prepare a case on this basis.
6. For the reasons given, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Section 12 Annex, has been demonstrated.

*Melissa Hall*

INSPECTOR