
Costs Decision

Site visit made on 24 August 2016

by David Cross BA (Hons), PGDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2016

Costs application in relation to Appeal Ref: APP/G2713/W/16/3151938 21 College Square, Stokesley, North Yorkshire TS9 5DL

- 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 Mrs A Watts for a partial award of costs against Hambleton District Council.
 - The appeal was against the refusal of planning permission for demolition of store building and construction of new cottage.
-

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance 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 application relies on the fact that Council Officers recommended that planning permission be granted for the proposal, but that the Council Members reached a different decision without adequate reason to do so. In particular, the application relates to the second reason for refusal and which can be distilled into two issues:
 - The loss of a stone building on the site.
 - The introduction of an overdeveloped feature harmful to the open character of the Conservation Area (CA)
 4. In relation to the stone building, I accept that it does not have a specific designation either as a listed building or as a non-designated heritage asset. However, it was apparent at my site visit that the stone building is an attractive feature within the CA and is of some merit due to its location and the use of materials, including substantial stonework with herringbone tooling that is representative of the wider CA. The building is readily visible from a path leading to CA, and the CA Appraisal recognises that views along these routes can give an understanding of the development of the town. Council Members were entitled to recognise the historic value of this building and I am satisfied that they did not behave unreasonably in doing so. Indeed, I have agreed with the Members' on this matter in my appeal decision.
-

5. I have also had regard to the applicant's statement that the building could be demolished without the benefit of planning permission. However, as stated in my appeal decision, I have no substantive evidence to indicate that the building would be demolished should this appeal be dismissed. I therefore do not agree that Council Members behaved unreasonably in respect of the weight afforded to this fallback position.
6. The Council also state that the proposal would be an "overdeveloped feature harmful to the open character of the conservation area". In relation to the open character of the CA, I recognise in my appeal decision that this open site makes a positive contribution to the setting of the CA. I consider that the reference to overdevelopment was part of the wider concerns in relation to the loss of openness of the site and could therefore be addressed as part of the consideration of this issue. Council Members were entitled to recognise the benefit of this open site to the setting of the CA and I am satisfied that they did not behave unreasonably in doing so.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR