

Costs Decision

Site visit made on 16 January 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 13 February 2017

Costs application in relation to Appeal Ref: APP/E2001/W/16/3158552 Stable Cottage, The Green, Bishop Burton, Beverley HU17 8QA

- 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 Captain and Mrs Scott for a full award of costs against Mrs Trevor Thomas.
 - The appeal was against the refusal of planning permission for alterations and extensions to existing dwelling house – erection of single storey and first floor extension, erection of boundary wall and access gates, incorporating change of use of outbuilding of Westfield Farm to residential accommodation¹.
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Decision

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

Reasons

2. The case for the award of costs, the rebuttal, and a further comment from the claimant, have all been made in writing and I shall therefore not repeat them here.
3. It is normal for the parties in an appeal to meet their own expenses. The Planning Practice Guidance 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 claimant considers that the appellant continued to provide information and alter proposals after the appeal was submitted and that this should have occurred at the stage when the Council was considering the proposal. However, the parties at appeals are encouraged to try to resolve matters where possible. The claimant had opportunity to comment on the suggested changes. This would have been no different had the information been provided to the Council at an earlier stage. As such, I do not consider additional costs and unreasonable expense were incurred in considering those suggested changes during the appeal process.
5. Concern regarding behaviour at a meeting that happened outside of the appeal process is not a matter upon which I can comment.

¹ Note the description was changed – full details can be found in the planning appeal Decision.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Zoë HR Hill

Inspector