
Costs Decision

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 3rd March 2017

**Costs application in relation to Appeal Ref: APP/H2733/W16/3160533
Muston Grange Caravan Park, Muston Road, Filey YO14 0HU**

- 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 Mr George Dale (Bell Elliot Leisure Ltd) for a full award of costs against Scarborough Borough Council.
 - The appeal was against the refusal of planning permission for 'Demolition of buildings and change of use of the site to accommodate 2 static caravans' without complying with a condition attached to planning permission Ref 14/02084/FL, dated 29 March 2016.
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Decision

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

Reasons

2. Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and has thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Paragraph 49 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal.
 3. Examples of this, referred to by the appellant, include refusing planning permission on a planning ground capable of being dealt with by conditions and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 4. With respect to the substance of the matter under appeal, it was reasonable for the Council to consider whether or not the proposed condition was enforceable, having regard to the tests set out in paragraph 206 of the National Planning Policy Framework (the Framework), the PPG and local circumstances. In my Appeal Decision, I have found that the proposed holiday occupancy condition would be enforceable and that in this, and all other regards, it would meet the tests set out in the Framework. However, this is a matter of planning judgement, and I do not consider that the Council behaved unreasonably in reaching a different view to me.
 5. Moreover, the Department for Communities and Local Government Good Practice Guide on Planning for Tourism was withdrawn on 7 March 2014. As such, the Council did not err in not having regard to it.
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Conclusion

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

C L Humphrey

INSPECTOR