
Costs Decision

Hearing held on 22 March 2017

Site visit made on 22 March 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 10th April 2017

**Costs application in relation to Appeal Ref: APP/V2723/W/16/3161299
The Travellers Rest, 22 Richmond Road, Skeeby, North Yorkshire
DL10 5DS**

- 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 Jon Whitfield (Euro Property Management) for a full award of costs against Richmondshire District Council.
 - The appeal was against the refusal of planning permission for the change of use of public house to a single dwelling.
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Decision

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

Reasons

2. The *Planning Practice Guide* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals, and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
 3. In making the application for an award of costs the applicant has argued that by failing to produce evidence to support and rationalise the reason for refusal, and by relying on the vague and unsubstantiated draft prospectus produced by the Skeeby Community Pub Society (SCPS), the Council has acted unreasonably.
 4. In particular the applicant argues that the Council have made a judgement on what they consider to be a reasonable valuation of the premises based on a flawed valuation, and disregarded two other independent valuations. The Officer's report on the application sets out in some detail the marketing that has taken place, the offers that have been made, and the various valuation reports. It also highlights the concerns the applicant had raised regarding the methodology used in the valuation commissioned by the Council, and why Kier considered their valuation was reasonable. As such, in this regard I am satisfied that the Council did not disregard any of the valuations, and that the Committee had all the information before them in order to make an informed decision.
 5. The Officer's report, and the Council's appeal statement, considers the draft prospectus produced by SCPS in relation to whether a viable business can be
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operated in the village. Whilst I note the applicant's views on this, this has been produced by SCPS with advice of national organisations that have helped other communities buy and re-open their local public house, and utilises the business model that has proved successful in these cases. This includes two local examples who have also used this business model, and are now operating thriving public houses within their villages. Given this, I consider that the Council has not acted unreasonably in relying upon this draft prospectus within their decision making process.

6. Overall, the Officer's report clearly sets out the evidence that has been submitted by all parties, and assesses, and balances, the various material considerations in coming to a conclusion on the proposal. Additionally the policies within the development plan, to which the Council consider the scheme would be contrary, are highlighted in the report, and set out in the reason for refusal. The appeal statement also provides detailed reasoning in this regard. I am therefore satisfied that the Council has met its obligation to give proper consideration to the planning application.
7. Therefore, I find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and thus an award of costs is not justified.

Alison Partington

INSPECTOR