
Costs Decision

Site visit made on 14 August 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 5 September 2017

Costs application in relation to Appeal Ref: APP/W9500/W/17/3176453 Front Street, Grosmont, Whitby, North Yorkshire YO22 5PF

- 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 North York Moors National Park for a full award of costs against Mr James Wallis of Wallis Metals.
 - The appeal was against the refusal of planning permission for decking in former garden.
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Decision

1. The application for an award of 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 Authority state that the appeal is clearly contrary to national planning policies and the policies of the Development Plan. Furthermore, the application specifies that the appellant has been advised of this on numerous occasions prior to the submission of the planning application.
4. However, due to the relatively unorthodox nature of the proposal I do not consider that the relationship with local and national policy is as clear cut as suggested by the Authority. The appellant may also have reasonably considered that there are potential mitigating factors in relation to the proposal, such as the existence of domestic gardens or similar on neighbouring plots. Whilst I have dismissed the appeal and agreed with the Authority in relation to the harm arising from the proposal and the conflicts with planning policy in my Appeal Decision, I do not consider that the appellant has behaved unreasonably in testing these issues at appeal.
5. 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