The Planning Inspectorate

Costs Decision

Site visit made on 1 August 2017

by Katie McDonald MSc MRTPI

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

Decision date: 7 September 2017

Costs application in relation to Appeal Ref: APP/G2713/W/17/3174825
21 St Paulinus Drive, Romanby, North Yorkshire DL7 8JE

- 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 B Rennison for a full award of costs against Hambleton District Council.
- The appeal was against the refusal of planning permission for residential development for 3no dwellings.

Decision

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

Reasons

2. Planning Practice Guidance indicates that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.[1]

3. The appellant submits that the Council have acted unreasonably on three substantive grounds. These are:
   i) 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.
   ii) making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
   iii) not determining similar cases in a consistent manner.

4. Pre-application advice from the Council gave the indication that the development would be considered as a sustainable location and subject to some layout amendments, may be acceptable. It is well-acknowledged that pre-application advice is given without prejudice. However, I appreciate the appellant's assertion that concerns regarding the development's erosion of the countryside were not raised.

5. Whilst noting that the Council did not raise this issue, I do not find the Council have acted unreasonably in refusing the application. A full and thorough assessment of the proposal, taking account of all material planning matters, is undertaken on the submission of a planning application. The matter of the

[1] PPG Reference ID: 16-028-20140306

transitional buffer may only have come to light following a site visit. In any event, the assessment concerned matters of judgement and the Council was entitled to reach the conclusion that it did once full details of the scheme were known.

6. Within the evidence submitted by the Council, I find that weight has been given to the National Planning Policy Framework (the Framework), and whilst the amount of weight given may not be what the appellant was expecting, the Council nevertheless balanced the planning decision in line with their development plan and national planning policies. Again, these are matters of judgement and I find that the Council have not acted unreasonably in their application of weight to development plan policies.

7. The Council set out in their reason for refusal that the development would be contrary to the development plan, being located outside the Development Limits of Northallerton (with Romanby). They also allege the harm that would result to the character and appearance of the area, being a change to the site's transitional character and appearance and an erosion of the buffer between the edge of development and the countryside.

8. I find that the Council substantiate the impact of the development upon the character and appearance of the area succinctly, and whilst other elements of the proposal were found acceptable, the Council detail where they find the harm. This is not vague or generalised and I find no unreasonable behaviour on this ground.

9. An appeal decision (APP/G2713/W/16/3158519) and another decision by the Council (16/01477/OUT) have been cited as being material planning matters relevant to the Appeal Decision. I have no evidence before me that 16/01477/OUT was approved, and I have given this limited weight. The other Inspector's Decision would appear to have been given limited weight by the Council as they detail that the site is in a different settlement and has a different set of circumstances.

10. Based on the information before me, I find the circumstances of APP/G2713/W/16/3158519 are different to the appeal before me, given that I found harm to the character and appearance of the area. Furthermore, each proposal falls to be considered on its own particular merits. Whilst the Council are obliged to ensure that they make decisions in a consistent manner, they are also obliged to assess each proposal on its own merits, which I find is what they did with this application.

11. Therefore, for the reasons set out above, and having regard to all other matters raised, I find that the Council have not behaved unreasonably, leading to the appellant incurring unnecessary or wasted expense in the appeal process. As such, I conclude that the application for an award of costs is not justified.

Katie McDonald

INSPECTOR