



Costs Decision

Site visit made on 8 July 2019

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Costs application in relation to Appeal Ref: APP/C2708/W/19/3224702 Willowbeck Farm, Wigglesworth, Skipton, North Yorkshire BD23 4RJ

- 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 Mrs Sherri Vaux for a full award of costs against Craven District Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the change of use of an agricultural building to form a single dwellinghouse.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) 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. Regarding the applicant's allegation of bias, it is apparent from the submitted evidence that, whilst the Planning Manager's signature appears on the formal decision notice, the application was signed by the case officer and determined under the Council's Scheme of Delegation by a Principal Planning Officer. As such, I have no evidence that the Council behaved unreasonably in this regard.
4. I note that there appear to have been delays in the Council's case officer being able to visit the site and that circumstances arising during the application resulted in dialogue and correspondence with the applicant becoming rather restricted. Further, I acknowledge that the timescale for determination of prior approval applications is 56 days. In combination, these factors are likely to have limited the scope for discussions between the Council and the applicant. Accordingly, I find that the Council have not behaved unreasonably in this respect.
5. However, Paragraph 049 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, for example, by unreasonably refusing... planning applications, or by unreasonably defending appeals.

6. Examples of this, set out in the PPG and cited by the applicant, include vague, generalised or inaccurate assertions which are unsupported by any objective analysis, and failure to produce evidence to substantiate each reason for refusal.
7. Both the Council's officer report and appeal statement refer to other uses, including equestrian, camping and caravanning activities which, as I have found in my appeal decision, do not appear to relate to the appeal site and building itself but rather to the land outlined in blue on the location plan. These references are repeated in paragraph 1.6 of the Council's response to the costs application. Consequently, the Council's reason for refusal appears to have been based on inaccurate assertions. Moreover, as I have found in my appeal decision, the Council have not provided any substantive evidence to support the reason for refusal on appeal.
8. For the reasons set out above I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Craven District Council shall pay to Mrs Sherri Vaux the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Craven District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

CL Humphrey

INSPECTOR