



Costs Decision

Site visit made on 23 July 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Costs application in relation to Appeal Ref: APP/C2708/W/19/3220508 Rockwood House, Park Wood Close, Skipton BD23 1QW

- 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 R Firth, Firth Developments Ltd for a full award of costs against Craven District Council.
 - The appeal was against the refusal of planning permission for 6 No. 4 bed detached dwellings with associated vehicular access and landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG sets out the type of behaviour that may give rise to a substantive award against a local planning authority (LPA) and includes situations where an LPA has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Situations where there has been a failure to produce evidence to substantiate each reason for refusal or where there are vague, generalised and inaccurate assertions about the impact unsupported by any objective analysis can also lead to an award of costs.
4. The appellant considers that in reaching its decision, the Council failed to properly consider its development plan policies. The Council's reason for refusal cites conflict with section 12 the National Planning Policy Framework (the Framework) and therefore the Council has given regard to the proposal's accordance with national policy in line with the PPG. The Council's appeal statement also refers to conflict with Saved Policy H3 (Residential Development Within the Development Limits of Skipton, and the Named Local Service Centres) of the Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999). This policy amongst other things seeks to protect the amenity of residential areas. The section of the Framework referred to in the Council's decision similarly requires that development provides a high standard of amenity for existing and future users.
5. The Planning Committee minutes simply refer to the Planning Committee giving delegated authority to the Planning Manager to formulate appropriate reasons

for refusal based on the scale of the proposed development. The Council contends that the full discussions at the meeting were based on the scale of development specifically in relation to plots 1 and 2 and the overbearing impact they would have. I have no conclusive evidence to suggest otherwise and these specific matters are reflected in the Council's reason for refusal and constitute a valid planning ground on which to base their decision. It is not unusual for Planning Committee members to highlight their concerns having considered the information before them and to delegate the wording of the reason for refusal to their professional planning officers.

6. The Committee minutes are unhelpful in that they do not summarise the full extent of discussions that took place at the Planning Committee meeting. However, it does not automatically follow that the Council did not have regard to the development plan. The Council has confirmed that members of the Committee reached their decision after making a site visit and having given consideration to the information before them which included the committee report and its development plan policy references and the appellant's submissions. From the evidence before me and the general conformity of Policy H3 to the part of the Framework referenced in the decision, I do not consider the omission of the development plan policy reference in the reason for refusal has resulted in any injustice for the appellant in this instance.
7. The appellant also contends that the Council has failed to produce any evidence to substantiate its reason for refusal. However, it is common practice for a judgement to be made in respect of matters relating to outlook based on the scale and layout of a proposal relative to neighbouring property and buildings, taking into account site specific circumstances. I therefore consider the members of the Committee were entitled to reach the conclusion they did.
8. The appellant suggests that the Council has been contradictory in finding no harm to the living conditions of occupiers of the Coach House to the north of the site, whilst identifying harm to the living conditions of occupiers of dwellings on the opposite side of Park Wood Close which are further away from the development. However, there were differing factors to take into account including that the dwellings opposite were at a lower level to the appeal site, whereas the Coach House is not. Whilst I have not identified material harm to occupiers on the opposite side of Park Wood Close, I do not find that the Council were contradictory and were within reason to make differing judgements on these relationships.
9. Ultimately, I concur with the Council that the proposal would result in material harm to the living conditions of the occupants at No 9 Park Wood Close and therefore I disagree that the Council has prevented development which should have been permitted.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

M Russell

INSPECTOR