
Costs Decision

Hearing Held on 11 September 2019

Site visit made on 11 September 2019

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Costs application in relation to Appeal Ref: APP/C2708/W/19/3224437 Tarn House Holiday Park, Stirton, Skipton BD23 3LQ

- 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 Partingtons Holiday Centres Ltd for a full award of costs against Craven District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the siting of 38 static caravans, 10 camping pods and a multiuse sports court.
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Decision

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

The submissions for Partingtons Holiday Centres Ltd

2. The application was submitted in writing prior to the Hearing.
3. The applicant submits that the Council have acted unreasonably in not providing any legislative or policy based evidence to substantiate the sole reason for refusal. Had sufficient justification been forthcoming it is likely that the parties could have reached agreement which would have negated the need to undertake the Hearing appeal procedure.
4. The sole grounds for refusal were that the proposed development would represent an overdevelopment of the site which would be detrimental to the amenity of the existing caravan users by reason of loss of open recreational land. No policies were given in the reason, only a general reference to the National Planning Policy Framework (the Framework). No attempt has been made to identify a specific paragraph or elaborate on exact parameters that could enable a resubmission, and that the solitary reason stated on the decision notice could not reasonably support a refusal in isolation.
5. It is also submitted that local precedent has been set by the Council in having worked proactively in relation to open space provision with a different applicant on a nearby housing application at Raikes Road in Skipton. This claim is not solely related to precedent.

The submissions for Craven District Council

6. The response was made orally at the Hearing.

7. Raikes Road planning application is not comparable, given that it is on a different site, for residential development on the edge of a large settlement. The appeal is for holiday accommodation in the open countryside. The Planning Policy Guidance makes no reference to local precedent, nor is it an example of unreasonable behaviour.
8. Whilst it is accepted that the planning committee deferred the planning application previously this was to seek clarification on aspects of which the committee was uncertain. The application for costs does not demonstrate that the Council has behaved unreasonably.

Reasons

9. National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an appeal, costs may only 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.
10. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
11. The planning application was recommended for approval and overturned by Council Members. The Council is not duty bound to follow the advice of its professional officers, but if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
12. Little evidence was put forward by the Council to establish how the loss of open recreational land would be detrimental to the amenity or living conditions of existing caravan users. The alleged harm has not been substantiated other than by means of assertion that the loss of open recreational land within the existing caravan park would not be in accordance with paragraph 127(f) of the Framework because the development would have an adverse impact on the amenity of neighbouring caravan users. No clear evidence has demonstrated how the development would result in harm. There is no specific information about the existing use or value placed on the open recreational land, or which caravan occupiers would be most affected.
13. I agree with the Council that the Raikes Road application is not directly relevant to consideration of this application, and that local precedent is not an example of unreasonable behaviour referred to in the PPG and it therefore has no bearing on my decision.
14. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposed should reasonably have been permitted. The Council has failed to produce evidence to substantiate the reason for refusal. It therefore constitutes unreasonable behaviour contrary to the guidance in the PPG.
15. The applicant has been faced with the unnecessary expense of lodging the appeal and appearing at a Hearing and an award of costs is therefore justified.

Costs Order

16. 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 Partingtons Holiday Centres Ltd, the costs of the appeal proceedings described in the heading of this decision.
17. 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. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

S Hunt

INSPECTOR