
Costs Decision

Site visit made on 8 October 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2020

**Costs application in relation to Appeal Ref: APP/E2001/W/19/3234697
The Beeches, Wansford Road, Driffield, East Riding of Yorkshire YO25 5NN**

- 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 and Mrs M Lynch for a partial award of costs against East Riding of Yorkshire Council.
 - The appeal was against the refusal of planning permission for erection of ancillary living accommodation to The Beeches together with repairs and modification to existing brick wall to be attached.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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. It also states that examples of unreasonable behaviour by local planning authorities include not determining similar cases in a consistent manner. Unreasonable behaviour in the context of an application for an award of costs may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).
3. The applicants consider that the Council has not determined similar cases in a consistent manner citing another development proposal located nearby with similar issues being considered where planning permission was granted. The applicants also consider that the Council did not adequately explain the reason why this proposed development was deemed acceptable whilst the applicants' scheme was not. The Council have responded to this stating that the two application sites in question are not comparable due to the fact that the character of the area surrounding these sites is substantially different and that each case has been judged on its own merits.
4. In relation to the two proposed development sites both are located within the Driffield (South) Conservation area, outside the development limit of Driffield (and so within the countryside) and within the grounds of a listed building. Both sites are also separated from the more open agricultural land to the south east by mature trees and hedgerow. In addition to this both proposed developments are screened from the listed buildings with the Council's conservation officer not raising a substantive objection.

5. However, the circumstances of both these cases are not exactly the same with one proposal being for a new single storey residential dwelling in the countryside and the other being for two storey ancillary accommodation in the countryside. In addition to this the size and location of the respective development sites in relation to the listed buildings and their grounds are also different.
6. Furthermore, in relation to historical development on these two sites the buildings on the appeal site were much smaller than those on the other site meaning that their respective historical interpretations are also different. Consequently, a larger new building on the appeal site would likely have more of an impact on the designated heritage asset than one on the other site. As a result, I consider that it was reasonable for the Council to reach a different decision on each of these cases which they appear to have decided on their own merits.
7. In the overall planning judgement, it appears to me that having regard to the evidence before me the Council did determine these similar cases in a consistent manner and did adequately explain the reasons for the differing decisions. The refusal of planning permission in this case therefore does not constitute unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the Guidance.
8. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore that the appeal could have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
9. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and that an award of costs is not justified.

C Coyne

INSPECTOR