
Costs Decision

Site visit made on 3 January 2020

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 18 February 2020

Costs application in relation to Appeal Ref: APP/G2713/W/19/3236564 The Workshop, Stokesley Road, Brompton, Northallerton DL6 2TY

- 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 C Bird for a full award of costs against Hambleton District Council.
 - The appeal was against the refusal of planning permission for the making of a material change of use of land from agriculture to mixed agricultural and residential use by siting a static caravan and a touring caravan for residential use with domestic paraphernalia without complying with a condition attached to planning permission Ref APP/G2713/C/13/2198583, dated 13 February 2014.
-

Decision

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

Reasons

2. The Government's Planning Practice Guidance (PPG) advises 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.
3. The application was refused for three reasons and I deal with these in turn.
4. In terms of the impact on character and appearance, the additional static caravan would be sited in the north-east corner of the paddock, behind the existing bungalow to the north, Rivadoon. All the existing development on the appeal site would also be between the caravan and the A684. Because of the location of these existing buildings and structures and the planting on the boundaries of the appeal site and Rivadoon, the new caravan would not be readily visible from the main road or the public footpath which lies to the east of the A684. There is no suggestion that the structure would be seen from any public or private viewpoints from other directions.
5. Therefore, whilst the proposal would increase the amount of development on the plot and within the countryside, it would have no material impact on the character and appearance of the area. There would be no conflict with Policies DP14, DP30 and DP32 of the Hambleton Local Development Framework (LDF) Development Policies (DP).
6. With regard to living conditions, Rivadoon has a reasonably sized rear garden. The caravan would be sited behind a predominantly evergreen hedge, some 13m from the common boundary. The existing bungalow does not have any

- windows above ground floor level and the caravan would be a low-lying structure. The proposal would result in mobile homes on two sides of the bungalow. However, because of the separation distances, intervening screening and limited heights, the occupiers of the bungalow would not have a feeling of being hemmed in. As the caravan would be occupied by members of the appellant's extended family, there would not be any significant increase in vehicle movements and activity on the site. The proposal would comply with Policies DP1 and DP14 of the DP in this regard.
7. Finally, insofar as highway safety is concerned, the proposal would lead to an increase in vehicle movements from an existing access. However, because of the particular circumstances, the number of journeys would not intensify significantly. Moreover, although Stokesley Road is subject to the national speed limit, visibility to the north and south is reasonable. The Council has not provided any evidence as to why a modest increase in vehicle movements would result in the existing access becoming unsafe and unsuitable. There would be compliance with Policies CP1 of the LDF Core Strategy and Policy DP14 of the DP in respect of highway safety.
 8. The Council has failed to substantiate each reason for refusal. The assertions about the proposal's impact were vague and generalised and were not supported by sufficient objective analysis. Moreover, the appeal statement, although acknowledging the needs of the appellant's family, did not weigh the benefits of the proposal against the alleged harm. Development was prevented which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 9. I have dismissed the appeal but on procedural grounds relating to the scope of the powers under section 73 of the Town and Country Planning Act 1990. However, when the Council considered the application the relevant Court of Appeal judgement¹ had not been made. If the Council had properly considered the application on its planning merits back in June 2019, it would have been permitted and there would have been no need for the appeal.
 10. I therefore find 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

11. 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 Hambleton District Council shall pay to C Bird, 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.
12. The applicant is now invited to submit to Hambleton 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.

Mark Dakeyne

INSPECTOR

¹ Finney v Welsh Ministers – [2019] EWCA Civ 1868