



Costs Decision

Inquiry Held on 22-25 October 2019 and 8-9 January 2020

Site visit made on 10 January 2020

by Kevin Ward BA (Hons) MRTPI

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

Decision date: 15th May 2020

Costs application in relation to Appeal Ref: APP/N2739/W/19/3231656 Gascoigne Wood Interchange, Lennerton Lane, Sherburn in Elmet LS25 6LH

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Harworth Group PLC for a partial award of costs against Samuel Smith Old Brewery (Tadcaster).
 - The Inquiry was in connection with an appeal against the refusal of the Council to grant planning permission for development described as outline planning application with all matters (scale, appearance and layout) except access and landscaping reserved for the demolition of existing colliery buildings and the construction of up to 186,000sqm (approx. 2,000,000sqft) of Class B2/B8 and associated Class B1 floorspace, with supporting container storage area and associated buildings, trackside facilities, access and landscaping.
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Decision

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

The submissions and response

2. Given time constraints it was not possible to hear the application for costs at the Inquiry. It was submitted in writing on 13 January 2020 and the response was submitted in writing on 20 January 2020.

Reasons

3. The Planning Practice Guidance 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.
4. It was clear from the statement of case for the appeal that Samuel Smith Old Brewery (Tadcaster) had concerns in relation to sustainable transport and this included specific reference to the volume of new journeys. The evidence submitted by Mr Russell on behalf of Samuel Smith Old Brewery (Tadcaster) dealt with these concerns and provided detailed information, assessments and arguments which elaborated on them. It was reasonable to provide evidence in relation to potential trip generation, drawing on examples elsewhere and also to set out detailed concerns as to the practical implications of this trip generation. The nature of Mr Russell's evidence was relevant and not unreasonable given the context of the objections made to the planning application and the statement of case for the appeal.

5. As a Rule 6 Party objecting to the appeal proposal there was no obligation for representatives of Samuel Smith Old Brewery (Tadcaster) to have discussed these matters with the Appellant or the County highway authority. The lack of such discussion and contact does not constitute unreasonable behaviour.
6. Mr Russell queried the speed survey data used by the Appellant in relation to the proposed improvements to the junction of Bishopdyke Road and New Lennerton Lane. It was not unreasonable to do so and given that he appears to have been satisfied with the clarity provided by Mr Murphy subsequently it was reasonable not to respond further. It was reasonable to seek clarification in relation to use of the Design Manual for Roads and Bridges during cross examination of Mr Murphy.

Conclusion

7. For the above reasons I conclude that unreasonable behaviour has not been demonstrated and the application for an award of costs is therefore refused.

Kevin Ward

INSPECTOR