



Costs Decision

Site visit made on 26 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Costs application in relation to Appeal Ref: APP/W9500/W/20/3253018 Paddock House, Sutherland Lane, Cropton, Pickering YO18 8EX

- 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 Simon Ashworth for a full award of costs against North York Moors National Park.
 - The appeal was against the refusal of planning permission for erection of agricultural dwelling without complying with a condition attached to planning permission Ref NYM3/031/0010/PA, dated 10 December 1975.
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Decision

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

Reasons

2. 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.
3. The applicant considers that the Council acted unreasonably on a number of grounds, causing them to suffer extreme stress and extra unnecessary expense within the pre-application assessments, the planning application process and in the preparation of the appeal.
4. The applicant considers that the Council's handling of a 'CVC' application, in which the Council provided their written confirmation that they considered potential purchasers of the appeal property complied with the existing occupancy restriction, brought rise to the appeal.
5. The handling of that application is not before me, and there are alternative avenues available to challenge the decision of the Council. The Council's view on the compliance of the potential purchasers with the existing occupancy restriction was clear and consistent throughout the process, regardless of the 'CVC' decision and I do not consider that this element resulted in unnecessary or wasted expense being caused.
6. I do not find that the applicant was provided with false planning policy information that has caused unnecessary or wasted expense in the appeal process. Even if this were the case, the Council and the applicant, appear to have been consistent in their intention regarding determination and challenging the decision.

7. I do not consider that whether or not the Council unnecessarily redacted information or evidence has caused the applicant to incur unnecessary or wasted expense. The Council's case centred on whether potential purchasers existed that would have met the current restriction and it was primarily on this basis the application was refused. Said evidence on this matter was considered in detail by both parties and, in my opinion whether or not further information regarding people whom the applicant considered did not meet the current restriction was considered, would have not changed the outcome, and hence submitting the appeal.
8. The applicant considers that the Council acted against planning policies, the National Planning Policy Framework, appeal decisions and advice by government bodies and other planning authorities. Although it can be seen from my decision that I disagree with the Council's decision, I find that they did not act unreasonably in refusing permission. Following the decision, I consider that the Council provided a reasonable and objective analysis to substantiate its reasons for refusal.
9. The applicant has outlined that the Council ignored their wishes not to be contacted due to serious health grounds. I find that the planning appeal process is not the forum for which to address such a matter. Whilst I can sympathise with any stress the process may have caused the applicant in light of their health circumstances; I do not consider that this has resulted in unnecessary or wasted expense in the appeal process.
10. The applicant has outlined that the authority declined an offer to receive a resubmission of the application and process it with all the evidence that the applicant considers was unnecessarily redacted. It is unclear on what basis such an offer was declined. To my mind, an authority must give specific reasons, which can be subsequently challenged, as to why they have refused to consider an application. In this instance, I do not consider that this would demonstrate that the applicant has been put to unnecessary or wasted expense in the appeal process.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

A M Nilsson

INSPECTOR