

Costs Decision

Hearing Held on 28 October 2020

Site visit made on 16 November 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2020

Costs application in relation to Appeal Ref: APP/Y2736/W/20/3251627 Butterwick Whins, Butterwick, Weaverthorpe, Malton YO17 8HF

- 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 Stuart Mason of Mason Farming for a full award of costs against Ryedale District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for change of use of agricultural land to allow the siting of a two bedroom agricultural workers mobile home.
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Decision

1. The applications for an award of costs are refused.

The submissions for Mr Stuart Mason

2. The costs application was submitted orally at the Hearing.
3. The appellant considers that the single issue of essential functional need is a technical area, in which the Council should have sought expert advice on. The Council have been provided with overwhelming evidence in the form of seven appeal decisions of similar nature. In addition, the appellant considers that the Council did not properly assess the matter of alternative accommodation at East End Farm.

The response by Ryedale District Council

4. The Council's response was made orally at the Hearing.
5. The Council acknowledge the submitted appeal decisions and noted that these were in other Authorities. It was explained that each case is determined on its own merits. The Council determined that an essential need was not demonstrated for the proposal when assessed against development plan policies and the National Planning Policy Framework (the Framework).

Reasons

6. Paragraph 030 of 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.
7. It will be seen from my decision that I consider the proposal to be in accordance with the relevant policies of the development plan and the Framework. Nevertheless, the main issue of the appeal, which includes

functional need and alternative accommodation, is a subjective matter and the Council's report as well as evidence presented at the Hearing clearly discuss why they consider the proposals are unacceptable in relation to the development plan and national policies, as well as discussing the relevance of the submitted evidence.

8. Council's do sometimes use consultants to gain expertise advice on matters however, there is no requirement to do this and ultimately the Council are the decision making body at the application stage.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Chris Baxter

INSPECTOR