
Costs Decision

Site visit made on 1 December 2020

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2020

Costs application in relation to Appeal Ref: APP/N2739/X/20/3256997 Whitecote Lodge, Ryther Road, Ulleskelf, Tadcaster LS24 9DY

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Matthew Stephenson, Whitecotes Park Ltd, for a full award of costs against Selby District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development for permanent siting of static caravans for residential or holiday use.
-

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) 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 claims that the Council acted unreasonably by failing to determine the application in a timely manner, thereby forcing him to lodge the appeal.
4. The Council has not responded to this claim.
5. If it is clear that a Council will not determine an application within the prescribed time limit, it should give the applicant a proper explanation. Email exchanges confirm the applicant made several attempts to engage with the Council before and after the 8-week period ended. Some of these emails went unanswered and, when responses were given, the explanations for delay lacked detail and were expressed generally, in terms of resources and backlogs.
6. The PPG advises that, in an appeal against non-determination, the Council should explain its reasons for not reaching a decision within the relevant time limit, and why the application would not have been granted had it been determined within the relevant period. The Council's statement fulfils the second of these requirements, setting out a case for dismissing the appeal, but reasons for not reaching a decision are not stated.
7. Substantive reasons to justify the delay to the application have therefore not been provided. However, the Council has clearly set out why, if it had made a

decision, it would have refused to issue a certificate. Accordingly, even if there had been better communication, it is unlikely that the applicant would have been spared the need to pursue an appeal. For this reason, and while the limited explanation for the delay may be unreasonable behaviour, it has not been demonstrated that the applicant incurred unnecessary or wasted expense in the appeal process as a result.

Conclusion

8. For the reasons set out above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Mark Harbottle

INSPECTOR