



Costs Decision

Site visit made on 4 December 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Costs application in relation to Appeal Ref: APP/E2734/W/20/3256706 Oakwood Farm, John Metcalf Way, Pannal HG3 1EY

- 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 John Schofield for a partial award of costs against Harrogate Borough Council.
 - The appeal was against the refusal of planning permission for erection of agricultural building (retrospective).
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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 appellant's claim for costs relates to the Council's first reason for refusal, where he considers that it is unreasonable to require him to demonstrate need given the planning history of the site.
4. In my Appeal Decision, I have concluded that it is not necessary for the appellant to demonstrate need in respect of whether the proposal would be inappropriate development in the Green Belt. That said, given the design and arrangement of the building, it was reasonable for the Council to request further evidence regarding whether it would be used for agricultural purposes. However, that evidence was provided in the Supplementary Information submitted by the appellant in January and April 2020. As long as the evidence indicates that a building would be for agricultural purposes, the Framework does not require that it is reasonably necessary for that purpose in respect of whether it would be inappropriate development in the Green Belt. In that regard, the Council's reference to whether the building is reasonably necessary in its first reason for refusal represents unreasonable behaviour.
5. However, the Council's reasons for refusal also relate to harm regarding character and appearance. As can be seen from my Appeal Decision, I have also concluded that the proposal would lead to significant harm to the character and appearance of the area. Within that context, evidence in respect of whether the building was reasonably necessary would have been required as part of the wider planning balance. This would have been the case even allowing for the planning history of the site, given the changing circumstances

of the landholding and the weight given to the identified harm. Whilst there are fundamental concerns regarding the design and location of the building which are determinative in this appeal, I consider that it is appropriate for the appellant to provide substantive evidence in respect of need to support his proposal. On that basis, the appellant has not been put to unnecessary or wasted expense in addressing the matter of need as part of this appeal.

6. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. Therefore, an award for costs is not justified.

David Cross

INSPECTOR