



Costs Decision

Site visit made on 13 October 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Costs application in relation to Appeal Ref: APP/C2741/Y/20/3256299 St Andrew's Old Churchyard, Chantry lane, Bishopthorpe, York YO23 2QF

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Gowar of St Andrew's Trust for a full award of costs against City of York Council.
 - The appeal was against the refusal of listed building consent for works described as: Erection of flood alleviation works and repairs to St Andrew's Cross.
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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 has not identified any procedural failings and is seeking an award of costs on substantive grounds only. The application for costs is predicated on the basis that in its determination of the application the Council had made comparisons with a planning application made by a different party, in this case the Environment Agency, for works in the same area that have a similar objective to parts of the appellant's proposals.
4. From the documents that I have been provided with, it is evident that there are alternative proposals for flood defences in the area and that the appellant has a number of concerns in respect of the scheme proposed by the Environment Agency. The Council officer's report, which formed the basis for the decision, identified that the Council considered that without full technical details of the flood alleviation works proposed by the appellant it could not properly assess the effect of the scheme on heritage assets, and noted that there was an objection to the proposals from the Environment Agency. However, the report draws no comparison between the merits of the appeal proposal and those of any other proposals.
5. Although, ultimately, I have not agreed with the Council's position that the information submitted with the application is insufficient to assess the potential effects on heritage assets, it was not unreasonable for the Council to reach the decision that it did and evidence was submitted setting out why the Council had reached that conclusion. This notwithstanding, no compelling evidence has

been put to me which indicates that the Council's decision was made as a result of favouring one particular scheme over another or by comparing the relative merits of differing proposals.

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

John Dowsett

INSPECTOR