
Costs Decision

Site visit made on 29 July 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Costs application in relation to Appeal Ref: APP/G2713/W/21/3271425 Land North of Ten Trees, Exelby

- 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 Peter Simpson for a full award of costs against Hambleton District Council.
 - The appeal was against the refusal of planning permission for a detached dwelling with detached garage and new vehicular access.
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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. It is the applicant's case that the Council behaved unreasonably resulting directly in them incurring unnecessary expense in making an appeal, in particular with regards the process of determining the application, changes to and the contents of the Officer's report and in refusing to grant planning permission "without good reason".
4. The power to award costs relates to costs necessarily and reasonably incurred in the appeal process. Costs of the planning application are ineligible, but the LPA behaviour in dealing with the application may have a bearing on the award of costs.
5. In response to disruption of the Council's normal practices by the Covid-19 pandemic, the appellant details that the application was presented to a 'Planning Consultative Panel', in lieu of the Planning Committee. The Council details that the final decision was taken by the Chief Planning Officer. That the Chief Planning Officer reached a different decision to that recommended by the case officer, as appears to be the case here, is not unreasonable. Furthermore, I have no substantive evidence before me that it is incumbent upon the Council to refer back to the applicant for a response prior to making a decision.
6. I note the applicant's detailed comments on the contents of the amended Officer's report and even though I have concluded otherwise in determining the Appeal, nonetheless the reasons for the Council's decision is substantiated, not unreasonable and based on the Development Plan.

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

Mark Brooker

INSPECTOR