
Costs Decision

Site visit made on 20/07/2021

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/21/3272960
Land off Yarm Lane, Great Ayton**

Easting: 455427 Northing: 510468

- 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 Hambleton District Council for a full award of costs against Mr I Khalil.
 - The appeal was against the refusal of planning permission for a dwelling.
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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 Council's case that the Appellant behaved unreasonably resulting directly in them incurring unnecessary expense in the appeal process, in particular with regards the evidence provided by the appellant to address previously identified issues.
4. The Council details that they provided to the Appellant a specific list of "fundamental issues" that were identified at the time an application was first made, this included "Flood risk, ecology, the relationship to the settlement, impact on the Conservation Area, design, and character of the open countryside"
5. I note that the application from which the related appeal resulted did include further details, as acknowledged by the Council in their costs application, relating specifically to ecology, the access from Yarm Lane, landscaping and a revised Flood Risk Assessment.
6. In determining the Appeal, I found that the appellant's sequential assessment did not adequately demonstrate the absence of other sites. Nonetheless, the appellant has sought in some way to grapple with the issue of flood risk and attempted to justify their approach to the sequential assessment.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that an award of costs is not justified.

Mark Brooker

INSPECTOR