



Costs Decision

Site visit made on 10 August 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Costs application in relation to Appeal Ref: APP/W9500/W/21/3273197 Lingrow Close, Runswick Bay, Saltburn-By-The-Sea TS13 5JQ

- 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 North York Moors National Park for a full award of costs against Mr N Lonsdale.
 - The appeal was against the refusal of planning permission for erection of 1 no. local occupancy dwelling with integral garage and landscaping.
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Decision

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

Reasons

2. Parties to a planning appeal are normally expected to bear their own costs, but costs can be awarded where the unreasonable behaviour of a party has caused another party to incur unnecessary or wasted expense in the appeal process.
3. In this case the Council's application is based on substantive grounds. In short, the Council contends that the appeal relates to development which is clearly contrary to an up-to-date development plan and therefore had no prospect of succeeding.
4. The Planning Practice Guidance (the Guidance) makes clear that the right of appeal should be exercised in a reasonable manner so that unnecessary appeals are avoided. In support of the appeal the appellant submitted a detailed statement and final comments which set out logical arguments in response to the refusal reasons and with reference to relevant policies of the development plan and other material considerations.
5. Whilst ultimately I did not support the appellant's position and dismissed the appeal, I do not consider this to be a case where the appellant has behaved unreasonably in exercising the right of appeal, and the Council has not demonstrated how any alleged unreasonable behaviour resulted in unnecessary or wasted expense in the appeal process.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and therefore an award of costs is not justified.

A Caines

INSPECTOR