



Costs Decision

Site visit made on 4 April 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Costs application in relation to Appeal Ref: APP/W9500/W/21/3284073 Thornhill Farm, Thornhill, Goathland, Whitby YO22 5NW

- 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 Charles Wordsworth for a full award of costs against North York Moors National Park Authority.
 - The appeal was against the refusal of planning permission for the conversion of building to 1 no. holiday letting cottage (revised scheme (with changes) to NYM/2019/0738/FL).
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Decision

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

Reasons

2. The application for an award of costs will be familiar to both parties. Consequently, I shall not repeat the submission in full within this decision. Government guidance on the award of costs is set out in the Planning Practice Guidance (PPG). Paragraph 030 of that guidance notes that a party may have costs awarded against them in relation to appeal proceedings if they have behaved unreasonably and that behaviour has led another party to incur unnecessary expense. Those two matters are pre-requisites for an award; if there has been no unreasonable behaviour or no wasted expense an award will not be justified.
3. The applicant states that the local planning authority has behaved unreasonably and are concerned with the Authority's approach to the application. The applicant considers that they have revised the proposal to be acceptable, but the Authority has been negative and obstructive. They assert that this has caused them to incur unnecessary and wasted expense in the appeal through instructing a planning consultant.
4. The Authority consider that the matters raised relate to the decision-making process rather than the planning merits and assessment against the adopted Development Plan. They state that they are matters for the Local Government Ombudsman in relation to 'procedure' rather than the Planning Merits for determination by the Inspector.
5. The planning application, subject to the appeal, followed a similar refused application. It is clear that even though the scheme had been amended, the Authority still had similar concerns. The matters raised by the applicant primarily relate to the decision-making process and procedural issues. The application required an exercise of planning judgement. The officer's report,

Authority's statement and reasons for refusal were clear and sufficient evidence was submitted to support the Authority's stance.

6. For the reasons set out above I conclude that, the applicant has not shown that the Authority's refusal of planning permission was unreasonable and that no wasted or unnecessary expense has been incurred by the applicant in the appeal process. Therefore, the application for an award of costs is refused.

L M Wilson

INSPECTOR