



Costs Decision

Site visit made on 11 April 2022

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2022

Costs application in relation to Appeals Ref: APP/C2708/C/21/3282812 & 3282813

Land at Buckstone Lane, Sutton-in-Craven, Keighley, BD20 7BD

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Craven District Council for a full award of costs against Mrs Keeley Reading and Mr Anthony Reading.
 - The appeal was against an enforcement notice alleging the material change of use of the land to a mixed use for agricultural, residential and commercial purposes, the siting of shipping containers for use as a dwelling and a shop/café and the extension of a stable block.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 Council submits that the appellants' procedure of initially only appealing on grounds (b) and (d), but then later adding grounds (a) and (c), was unreasonable. However, the additional grounds were lodged in good time and the Council had full opportunity to respond.
4. The Council further submits that the grounds were not backed up by relevant evidence. I note that the appellants were unrepresented but that, of itself, does not absolve them from the responsibility of supporting their case. I found nothing of substance in their case to back up the appeal on ground (b).
5. On ground (c), the appellants put forward little evidence to justify their position in relation to the mixed use of the land and the shipping containers which, to my mind, appears an example of unreasonable behaviour. In relation to the stable block extensions, they made appropriate reference to the Town and Country Planning (General Permitted Development)(England) Order 2015 but appear to have mis-applied its provisions. Whilst this might appear unreasonable, I note that the Council stated in its representations that it had no planning objection to the extensions and therefore wonder why it was considered expedient to take enforcement action against this part of the development. This point is also applicable to the appeal on ground (d), which was confined to the stable block, and was supported by photographic evidence, albeit that I did not find the evidence to be persuasive.

6. Turning to ground (a), the appellants did have regard to the development plan and to national guidance and put forward a substantial case. In the event, I felt the case was not compelling. I also agree with the Council that it contained a number of vague assertions about the benefits of the development. However, I find that it did not fall into the scope of unreasonable behaviour, as set out in the Planning Practice Guidance.
7. The appellants' response is to point to costs incurred by them as a result of the Council's actions. However, that does not amount to a defence of the unreasonable behaviour which I have found on the appellants' part.
8. In conclusion, I find that the appellants' behaviour in appealing on ground (b) and on ground (c), apart from in relation to the stable block extensions, was unreasonable and led the Council to incur additional expense, albeit limited, in addressing these matters.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mrs Keeley Reading and Mr Anthony Reading shall pay to Craven District Council the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in addressing ground (b) and ground (c), with the exception of any costs incurred in addressing the stable block extensions; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Mrs Keeley Reading and Mr Anthony Reading, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

B.S. Rogers

Inspector