



Costs Decision

Site visit made on 31 May 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Costs application in relation to Appeal Ref: APP/Y2736/W/22/3293439 York Lane Farm, York Lane, Flaxton YO60 7QZ

- 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 Stephen Walton for a full award of costs against Ryedale District Council.
 - The appeal was against the refusal of planning permission for change of use of barn to office and alterations adding 2 windows, rear door, and installation of packaged treatment plant.
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Decision

1. The application for the award of costs is dismissed.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant considers that the Council put too much emphasis on the appeal building being an isolated rural building despite a Planning Inspector finding the site was not isolated. The decision was inconsistent and unreasonable and if the correct interpretation had been reached the Council would have approved the application and the applicant would not have the unnecessary expense of appealing.
5. The Council states that they had fundamental concerns in respect of the findings of the Inspector but accepted the judgement. The Inspector was asked to rule on a scheme with a different context (an agricultural building). The proposed change of use means that the site would be used in a more intensive manner and would not be in a sustainable location for a use of this nature in this area.
6. The Council states that they worked with the applicant and resolved some issues, but the main reason for refusal is fundamental to the proposal and a satisfactory way forward could not be found.
7. I find that the Council's reasons for refusal are complete, precise, specific and relevant to the application. They clearly state the policies of the Development

Plan and all other relevant matters that the proposal would conflict with. The reason for refusal is adequately substantiated by the Council in the officer report and they have exercised their planning judgement. I agree with the Council that the proposal does not comply with development plan policy, and I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.

8. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR