



Costs Decision

Site visit made on 24 June 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Costs application in relation to Appeal Ref: APP/N2739/W/21/3279924 Haverland Farm, Stewart Lane, Stillingfleet, Selby YO19 6HP

- 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 Mrs Jennifer Bartram for a full award of costs against Selby District Council.
 - The appeal was against the refusal of planning permission for conversion of existing agricultural building for use as a single dwelling house.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. Claims can be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal. In this case the appellant states that the application is both procedural and substantive.
3. The PPG indicates that local planning authorities are at risk of an award of costs if they behave unreasonably by, amongst other things, not determining similar cases in a consistent manner or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The application was validated in October 2018 and determined in 2021. It is the appellants position that no reason for the delay was provided. Moreover, during the processing of the application the Council sought to negotiate the use of brick but then included the use of brick in its reason for refusal. Furthermore, the appellant says that the Council advised that the application would be determined by the planning committee. However, it was ultimately determined under delegated powers.
5. The applicant further submits that the Council has acted unreasonably from a substantive perspective, in that it has not applied Policy H12 of the Council's Local Plan consistently and that the Council has not had regard to the submitted Heritage Statement in determining the application. The Council has not defended its position in relation to any of the above matters.
6. There have been numerous planning applications in the locality for conversions of rural buildings which have involved various degrees of works. From the evidence before me, there has been some variation in aspects of the assessments made in the different schemes against Policy H12 of the Local

Plan. However, the overall assessment is a test of substance and planning judgement and from the evidence before me the other schemes were not so similar that it was unreasonable for the Council to determine the application on its own merits against the development plan. That is how I arrived at my decision to dismiss the appeal. Consequently, I find that the Council has not acted unreasonably with regards to consistency in decision-making.

7. The Council's assessment of the effects on the setting of the listed building differs from the appellants. However, it is not unreasonable for the Council to exercise planning judgement on matters such as the effects on the setting of a listed building and this was substantiated in its Officer Report.
8. Given my conclusions in the appeal decision, the Council has not delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
9. Even if I were to conclude that the Council acted unreasonably in its communication during the application, including, amongst other things, in relation to negotiations on materials, it will be seen from my decision that the materials were not the only area of concern. In this regard, the advice given and communication from the Council during its consideration of the planning application has not led to wasted expense in the appeal.
10. Having carefully considered the points raised, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
11. Accordingly, I determine that the costs application should fail, and no award is made.

Mr R Walker

INSPECTOR