



Costs Decision

Site visit made on 21 July 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2022

Costs application in relation to Appeal Ref: APP/G2713/W/22/3297847 Land to north of Carlton Road, Carlton Miniott YO7 4NJ

- 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 Richard Roberts Ltd for a full award of costs against Hambleton District Council.
 - The appeal was against the refusal of outline planning permission (with all matters reserved except access) for the erection of 4 no. dwellings (use class C3).
-

Decision

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

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. I have noted that Council Officers recommended approval of the planning application. At the Planning Committee, Officers explained their reasons as to why the effect of the development upon the character of Carlton Miniott would be acceptable. The planning application was supported by a landscape and visual appraisal, and this is an informative document.
4. However, the assessment of the effects of the development upon character is one which is a matter of judgement. The Council Members were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view with evidence produced to substantiate the reason for refusal.
5. It will be seen from my Appeal Decision that I disagree with Council Members that there were sufficient grounds for refusing planning permission. However, I find that the development would cause some extension to a more built-up part of the settlement and, in turn, some erosion of the more open, rural character of Carlton Miniott would result. I conclude that the extent of this would not harm to any significant degree the prevailing character or setting of Carlton Miniott. In turn I find that the development would be in accordance with policy HG5 of the Hambleton Local Plan (2022). Despite this, it was not unreasonable for Council Members to come to a different conclusion. The opposing view that the development would cause harm to the character of the settlement and conflict with the development plan has been substantiated by the Council.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

H Jones

INSPECTOR