



Costs Decision

Site visit made on 20 July 2022

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2022

**Costs application in relation to Appeal Ref: APP/E2734/C/22/3294663
The land situate and known as Oakwood Farm, Follifoot Lane, Kirkby
Overblow, Harrogate, North Yorkshire HG3 1EY**

- 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 Harrogate Borough Council for a full award of costs against Mr John Schofield.
 - The appeal was against an enforcement notice alleging the erection of an agricultural barn building and the formation of a concrete pad.
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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 where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG is clear that there is a right of appeal, and this is expressly reiterated in respect of enforcement notices. It continues by saying that the parties in appeals are normally expected to meet their own expenses. The PPG says costs may be awarded where a party has behaved unreasonably and it says unreasonable behaviour may be either procedural, relating to the process, or substantive, relating to the issues and examples are given.
4. The Council's application for costs relates to substantive matters and is essentially made on the basis that the appeal follows a recent appeal decision, in respect of the same development, on the same site, where an Inspector previously decided that the proposal was unacceptable, and the circumstances have not materially changed in the intervening period.
5. The Council also consider the appeals on ground (f) and (g) to be unsubstantiated.
6. I acknowledge the Council's case in respect of the appeal on ground (a) however, in this appeal the appellant attempted to address the identified harm through the submission of a Supplementary Barn Report and Landscape Strategy Report, which included a proposed landscaping scheme. In this respect the appeal is different to that previously considered.

7. In respect of the ground (f) and (g) appeals, as is evident from my decision, the appellant did propose a lesser step and an alternative time period, with an explanation provided for both.
8. The appellant sought to exercise his right of appeal to protect his interest in the land and made a case. Although I concluded that the appeal should not succeed, it is not unreasonable for the appellant to have pursued an appeal in the context of their statutory right of appeal. It follows that I do not consider that the appellant acted unreasonably in making the appeal.

Conclusion

9. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Felicity Thompson

INSPECTOR