



Costs Decision

Site visit made on 25 October 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Costs application in relation to Appeal Ref: APP/C2741/W/22/3299412 Mapplefields, 5 Laburnum Farm Close, Hessay, York YO26 8LG

- 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 Mr Andrew Tullie for a full award of costs against City of York Council.
 - The appeal was against the refusal of new stables.
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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.
3. The Council's Officer Report (OR) correctly identified that stables may constitute appropriate facilities for outdoor recreation and that such development can be one of the exceptional forms of development which is not inappropriate development in the Green Belt. The OR concluded that in this particular case, however, the development would be harmful to the openness of the Green Belt and would conflict with one of the purposes of including land within it, that being to assist in safeguarding the countryside from encroachment. The OR therefore states that the development would constitute inappropriate development and it can be seen from my Decision that I have agreed with this conclusion.
4. In exchanges following the refusal of the planning permission, the Council advised the appellant that stables for leisure use are, unequivocally, inappropriate development in the Green Belt. Such an approach disregards any assessment of the development upon openness or whether any conflict with the purposes of including land within it would result. This approach is incorrect, contrary to content within the National Planning Policy Framework and divergent from the reasoning within the OR.
5. Therefore, following the determination of the planning application, the Council's advice to the appellant misinterpreted established planning policy in respect to the Green Belt. Therefore, I find that the Council have acted unreasonably.
6. However, that these exchanges took place does not alter the Council's decision on the planning application itself, a decision which was based upon a correct interpretation of planning policy. Furthermore, and despite some inaccurate

advice being provided, the Council have been clear and consistent in their strength of objection to the development proposed. Aligned with the Council's decision, I have also concluded that no other considerations in this case clearly outweigh the totality of the harm that the development would cause to the Green Belt.

7. Although in undertaking a correct assessment of whether or not a proposed stable building on the site would constitute inappropriate development in the Green Belt the effects upon its openness and whether it conflicts with any purposes of including land within it should be undertaken, it does not necessarily follow that an amended proposal could be devised which does not constitute inappropriate development. The specifics of an alternative proposal and the context of this particular site could still render that it would be harmful to openness and/or conflict with the purposes of including land within the Green Belt.
8. Given this combination of factors, I have no substantive evidence before me that an appeal could have been avoided nor that it would have been very likely that pertinent issues would have been narrowed.
9. Consequently, although I find that the Council has exhibited some unreasonable behaviour, I do not find that this has resulted in unnecessary or wasted expense.

H Jones

INSPECTOR