
Costs Decision

Hearing held on 21 February 2023

Site visit made on 21 February 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Costs application in relation to Appeal Ref: APP/E2734/W/22/3307127 Woodland View, York Road, Flaxby HG5 0RR

- 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 Harrogate Borough Council for a partial award of costs against Mr Ben Holmes (Holmes Planning Ltd).
 - The appeal was against the refusal of the Council to grant outline planning permission for up to 5 eco-custom self build homes with all matters reserved.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ 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 claimant suggests that on several occasions during the Hearing, the Appellant advanced new arguments that Policies GS3 and HS3 of the Harrogate District Local Plan (2020) are out of date. The Council submitted that this was fresh information, introduced at a very late stage, which had not formed part of the appellant's statement or previous submissions.
4. The matter arose towards the end of the Hearing and due to the concerns of the Council an arrangement was made whereby the Council could provide some comment specifically on this matter in writing after the close of the Hearing. I allowed time to accommodate the Council Officer's leave.
5. However, even if I concluded that this was unreasonable behaviour by the appellant, such unreasonable behaviour would have had to have directly caused the Council to incur unnecessary or wasted expense in the appeal process to enable me to award costs.
6. Regardless of whether the response relating to this matter was made by the Council before, during or after the Hearing, it is a matter that the Council could have reasonably expected to be invited to comment on during the appeal process. The matter has therefore not directly caused the Council to incur

¹ Paragraph: 030 Reference ID: 16-030-20140306

unnecessary or wasted expense in the appeal process and therefore no award of costs can be made relating to this matter.

Conclusion

7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR