



Costs Decision

Site visit made on 16 May 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

**Costs application in relation to Appeal Ref: APP/W9500/W/22/3305049
Field No 5886, Raikes Lane, Sneaton, Whitby, North Yorkshire
Easting: 490575 Northing: 505874**

- 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 North York Moors National Park Authority for a full award of costs against Ms Rachel Barker.
- The appeal was against the refusal of planning permission for the siting of 5 shepherds huts along with Landscaping, Drainage, Parking, Bike Store, Waste Store, Car Parking and Access walkways to individual Huts. Construction of Managers Lodge. Change of use from Horse Paddock to the Siting of Shepherds Huts.

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. The applicant for costs considers that the appeal should not have been submitted as it relates to a development which is contrary to National Planning Policies which state that adopted and up-to-date development plans should be the primary determining factor when assessing planning applications. In their view, the proposal is very clearly completely contrary to Policies contained within the North York Moors Local Plan (LP), adopted in July 2020. The respondent was aware of this as they had been provided with professional pre-application advice by the Authority and had an earlier similar application refused. The respondent did not submit comments in response to the applicant's costs application.
4. I have found that the proposed development is contrary to the relevant policies of the LP, for the reasons I have set out in my decision letter. However, in their Statement of Case, the respondent has set out a number of reasons why they consider that the proposal should be permitted, with reference to matters including the proximity of the appeal site to Sneatonthorpe, the presence of the boundary hedge, the proximity to and impact of Woodsmiths Mine and to benefits relating to ecology and to the provision of tourist accommodation within the National Park.
5. This goes some way to address the specific reasons for refusal, and to seek to offer support to the respondent's case that the proposal is not contrary to the policies of the LP. But aside from the policy considerations that arise, they

represent material planning considerations which need to be weighed against the conflict with the development plan I have found. I am satisfied that the respondent has, in their Statement of Case, put forward an adequate case to address the position of the applicant and to provide a number of material considerations, including some clear benefits, that would arise if the proposal were to be permitted.

6. Whilst I have not found that those considerations would outweigh the conflict with the development plan, the respondent has substantiated their case and as a result has not behaved unreasonably in submitting the appeal. Accordingly, the applicant has not incurred unnecessary or wasted expense in the appeal process and an award of costs is not warranted.

Graham Wraight

INSPECTOR