



## Costs Decision

Site visit made on 22 March 2023

**by N Duff BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> July 2023**

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### **Costs application in relation to Appeal Ref: APP/C2708/D/22/3306758 5 Thornton Street, Skipton BD23 1ST**

- 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 J Khalil for a full award of costs against Craven District Council.
  - The appeal was against the refusal of permission for single and two storey rear extension to provide bathroom over kitchen and other alterations.
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### **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 (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 application for costs relies to a substantial extent on whether the Council have acted unreasonably by not determining similar cases in a consistent manner through the implementation of their development plan policies. The applicant has stated that the inconsistency in decision making means that the Council have not acted reasonably when reaching a decision on the planning application and has resulted in an unnecessary appeal.
4. Whilst other applications have been approved in the area for first floor rear extensions on terrace properties, planning applications should be determined in accordance with the development plan, and any other material considerations. The Council have confirmed that several of the examples given of similar schemes were determined prior to the adoption of the Craven Local Plan 2012 to 2032 – adopted 12 November 2019 (LP). However, I acknowledge that one of those examples given related to No. 18 Clitheroe Street, opposite the appeal site. This was granted planning permission following the adoption of the LP. Notwithstanding this, the Council's reasoning for this decision was set out in the detailed Council Officer's report and Decision Notice. Taken together these gave clear, precise and site-specific reasons why the proposal would not be acceptable in this particular case.
5. The application for costs refers to an email from the Council's case officer who provided an opinion on the scheme. The officer in this case clearly stated that it was an officer opinion only, and a more senior officer would be reviewing the case. The officer opinion is clear that there were original concerns with living conditions of neighbouring occupiers and the historic environment.

6. Nonetheless, the Council is not duty bound to follow the informal opinion of its professional officers if a different decision is reached at the determination stage. The Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence. In this instance the officer opinion was clear and explained that there were concerns with such proposals. Moreover, the reasons for refusal contained within the Decision Notice are supported by the Council's officer report which provided clear reasons why the proposal was unacceptable.
7. The applicant also contends that the application should have been determined by the planning committee which could have resulted in the officer recommendation being overturned. In the Council's case they have stated that in line with the Craven District Council Scheme of Delegation, a report was sent to members of the planning committee for a decision as to whether the application should be called in to the planning committee. In this instance the members of the committee were satisfied that the application could be dealt with under delegated powers. I have no reason to disagree with the approach of the Council in this regard, and the decision was taken in line with the adopted Scheme of Delegation and the correct procedures followed.
8. Moreover, as per the PPG<sup>1</sup>, it is in the public interest for the local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly, and that resources are appropriately concentrated on the applications of greatest significance to the local area. Accordingly, I do not find that the Council has acted unreasonably in this regard.
9. Further to the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

*N Duff*

INSPECTOR

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<sup>1</sup> Paragraph: 015 Reference ID: 21b-015-20140306