



Costs Decision

Site visit made on 8 June 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Costs application in relation to Appeal Ref: APP/G2713/W/23/3314761 White Rose Caravan Park, Hutton Sessay, Thirsk YO7 3BA

- 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 W Harrison for a full award of costs against Hambleton District Council.
 - The appeal was against the refusal of planning permission for permanent retention of sites for static holiday and touring caravans and tents without complying with conditions attached to planning permission Ref 2/97/074/0001Y, dated 21 August 1997.
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Decision

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

Preliminary Matters

2. Due to local government reorganisation, as of 1 April 2023, Hambleton District Council has ceased to exist. From this date, the Local Planning Authority is North Yorkshire Council.

Reasons

3. 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.
4. Local planning authorities are required to behave reasonably in relation to procedural matters at the appeal and with respect to the substance of the matter under appeal. Examples of unreasonable behaviour may include preventing or delaying development which should clearly be permitted; failure to produce evidence to substantiate each reason for refusal on appeal; or vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The applicant for costs contends that the Council is unable to evidence or justify the stated reasons for refusal, and that some are at odds with the views of statutory undertakers and local authority experts. They also consider that key facts were misrepresented and/or misinterpreted in the Council's officer report, elected Members were not properly informed, policies referred to were not relevant and the consideration of the application was confused with that of an application for a Lawful Development Certificate (LDC) on the same agenda.
6. I acknowledge that the decision of the Council's planning committee differed from the recommendation of the planning officer, and the advice of technical consultees. However, the planning committee is entitled not to accept such

advice so long as a case could be made for the contrary view. The Council's reasons for refusal are articulated in the decision notice, with reference to development plan policies the Council considers relevant. Further clarification with respect to the reasoning behind the decision is set out in the committee meeting minutes and the Council's statement of case.

7. It will be seen from my decision that my view on these matters diverges from that of the Council's, and that I have not identified any harm or development plan conflict in respect of the main issues. However, I do not consider the Council acted unreasonably in their consideration of relevant policies and the evidence before them, which brought them to a different conclusion.
8. It is not clear from the application which parts of the Council's officer report the applicant considers to be misrepresentations that have resulted in the appeal and associated costs to the applicant. The report highlights that the site can be seen from public vantage points to the west, however I observed this myself during my site visit. Other observations from the report set out in the applicant's Appeal Statement, including advice from Yorkshire Water and reference to third party comments regarding traffic movements are accurate. I therefore do not consider these to be misrepresentations. I recognise paragraph 1.4 of the officer report could be misconstrued as meaning the park was prohibited from opening for 4 months of the year, rather than 2, as the relevant condition states. However, it is not clear that this is how members of the planning committee understood this statement, nor that this was the basis on which the application was refused.
9. Overall, there is no compelling evidence before me that demonstrates planning committee members were misinformed, and that this resulted in the refusal of the application and associated costs for the applicant.
10. I have found the Local Plan policies referred to in the Council's decision relevant to the appeal scheme, with the exception of Policy IC3 and S1 referred to in the second reason for refusal. I consider these policies to have been misapplied in the context of this application. However, even if I were to find that this amounted to unreasonable behaviour, this reason for refusal was also pursuant to Policy E2, which I did find relevant. This reason for refusal would therefore likely still have been pursued. Furthermore, as I have found the Council to have behaved reasonably in all other respects, the appeal would not otherwise have been avoided and there is no substantive evidence to demonstrate how reference to these policies has resulted in the applicant incurring unnecessary or wasted expense in the appeal process.
11. While there appears to have been some overlap in the consideration of the appeal scheme and the LDC application, including in respect of a proposed legal agreement applying to both, there is no substantive evidence to indicate that the Council was unduly influenced by this in determining the application.

Conclusion

12. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ryan Cowley

INSPECTOR