



Costs Decision

Site visit made on 5 September 2023

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

**Costs application in relation to Appeal Ref: APP/E2734/C/22/3305930
The Old Dairy Church Street, Goldsborough, Knaresborough, North
Yorkshire HG5 8NR**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mark Oglesby of Goldsborough Limited for a full award of costs against Harrogate Borough Council.
 - The appeal was against an enforcement notice alleging the material change of use of the land to a commercial short-term holiday let accommodation.
-

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 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 applicant's application for costs relies to a significant extent on matters concerning the Council's handling of its investigation, including in relation to their evidence gathering, the expediency of taking action and the *reliance upon vague, generalised and inaccurate assertions about the impact of the use which are unsupported by objective analysis*.
4. The taking of enforcement action is discretionary. The PPG advises that, for enforcement action, local planning authorities must carry out adequate prior investigation and that they are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation. In this case however, my decision explains why the appeal made against the enforcement notice failed. The breach of planning control occurred, and the issued notice clearly identified the breach.
5. Whilst it is evident that the applicant is unhappy about the Council's approach to the investigation, I reject any view that this appeal could have been avoided by a more diligent investigation. There is nothing to indicate that further investigation could have avoided the issuing of the notice. Once the Council issued the enforcement notice, the applicant exercised his right of appeal to protect his interest in the land.
6. I appreciate that the outcome of the process will have been a disappointment to the applicant however, sufficient evidence was submitted to substantiate the reasons for taking enforcement action. My decision explains why the breach

has occurred and why the development is unacceptable and planning conditions cannot make it acceptable in planning terms.

Conclusion

7. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Felicity Thompson

INSPECTOR