

Costs Decision

Site visit made on 5 December 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21.12.2023

Costs application in relation to Appeal Ref: APP/P2745/D/23/3331514 Greenfields, Knox Park, Killinghall HG3 2AF

- 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 A Watson for a full award of costs against North Yorkshire Council.
 - The appeal was made against the refusal of planning permission for internal alterations, single storey rear extension and additional roof dormers.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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. In my view, the reasons for refusal are clearly framed and these set out the harm that the Council considered would be caused by the proposal. Reference is also made to relevant development plan policies and to planning guidance. The Officer's report, which inevitably is a summary assessment of the proposal, elucidates these concerns succinctly in Section 5. It does so with realistic and specific evidence given about the consequences for the host building and the local area if the development were to proceed. While the applicant disagrees with that assessment, the Council's evidence is sufficient to justify its stance.
 4. The Officer's report does not explicitly refer to previous decisions that approve developments on the site or schemes elsewhere that the applicant says were greater in scale than the proposal. The Council has explained that it did not regard any of these other proposals to be directly comparable with the proposal and so were not relevant. In the absence of full background details to any of these planning decisions, I am unable to gauge their relevance, one way or the other. Nevertheless, it is a central planning principle that each development should be assessed on its own merits. In those circumstances, it seems to me that the Council was not unreasonable in focusing on the proposal in hand.
 5. In an email dated 18th July 2023, the Council outlined its concerns to the applicant and indicated that the application would be recommended for refusal
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if it were not withdrawn. The second paragraph of that email sets out in some detail the key objections and the changes required to make the scheme more acceptable to the Council. A deadline of 24th July was given for the applicant to reply with the Council's decision issued the following day.

6. Had more time been offered to the applicant to respond at that stage it is possible that a more favourable outcome could have been achieved thereby negating the need to ultimately pursue an appeal. However, given the fundamental difference of opinion between the main parties on the merits of the proposal, and the likelihood of a further application to address the substantive changes required, I am not convinced that was a likely outcome.
7. My assessment of the effects of the proposal on the host building and the local area differs from the Council's approach. To my mind, this arose because I made different judgements on the submitted evidence, rather than because of inadequacies in the content of the Council's case. That I came to a different conclusion, and supported the appellant's case, does not mean that the Council failed to show clearly why in its view the development should not be permitted or that it failed to substantiate its case.

Conclusion

8. Overall, I consider that the evidence produced provides a respectable basis for the Council's stance. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

Gary Deane

INSPECTOR