



Costs Decision

Site visit made on 1 November 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2024

Costs application in relation to Appeal Ref: APP/G2713/W/23/3322004 2 Chapel Street, North Yorkshire, Thirsk YO7 1LU

- 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 Lambert Medical Centre for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for retention of steel storage container.
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Decision

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

Preliminary Matter

2. The planning application to which the appeal relates was determined by Hambleton District Council. Since the planning application was determined, Hambleton District Council has merged with several Councils to form North Yorkshire Council. The application for costs is therefore made against North Yorkshire Council in their capacity as the current local planning authority.

Reasons

3. 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. The planning application was refused by the Council's planning committee, contrary to officer recommendation. Whilst the applicant accepts that the planning committee are perfectly entitled to come to a different view to that which is being offered by their professional planning officers, it is contended that there was no evidence on which to base such a decision, and none has been put forward in the decision notice. The application for costs is made on these grounds.
5. The determination of planning applications by a planning committee is an established democratic process, and the committee reaching a different conclusion to that recommended by officers does not necessarily amount to unreasonable behaviour. The decision reached by the committee found that the harm to the conservation area would not be outweighed by public benefits, and that the harm to the amenity of the adjacent building was sufficient to warrant refusal of the planning application. In reaching this conclusion, I am satisfied that the members of the planning committee appear to have given regard to

the officer report, the representations made, and have undertaken a balancing exercise on this basis.

6. Although in allowing the appeal I have arrived at a different conclusion than the Council, I am satisfied that the Council arrived at their decision following proper process and in a reasonable manner. I acknowledge that the applicant has questioned the robustness of some of the evidence submitted by interested parties that may have influenced the decision, particularly in relation to crime and anti-social behaviour. However, irrespective of the weight given to this evidence, the main issues were finely balanced and the assessment of their effects was a matter of planning judgement.
7. Paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably, with examples of unreasonable behaviour including failing to produce evidence to substantiate each reason for refusal on appeal, or vague, generalised or inaccurate assertions about a proposal's impact. Although I have ultimately disagreed with the Council's decision, I am satisfied that the reason for refusal was appropriately substantiated and none of the criteria amounting to unreasonable behaviour as set out in the PPG have been met.

Conclusion

8. Based on the information before me, I find no unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has been demonstrated, as set out in the PPG. The application for an award of costs is therefore refused.

P Storey

INSPECTOR