



Costs Decision

Site visit made on 12 December 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Costs application in relation to Appeal Ref: APP/U2750/W/23/3328332 Grimble Tor, Wetherby Road, Knaresborough, North Yorkshire HG5 8LL

- 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 Tim Simpson for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for a new access from the Public Highway into the storage building to the rear of Grimbald Tor.
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Decision

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

Reasons

2. 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 PPG indicates that a local planning authority is likely to be at risk of an award of costs where it makes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant is seeking a full award of costs on the basis of a substantive matter. It is asserted that the Council wrongly assessed the visibility sightlines of the proposal and failed to reconsider them following the applicant's notification that they were incorrectly measured. The applicant considers that this unreasonable behaviour by the Council resulted in unnecessary and wasted expense in having to appeal the decision.
5. The Council's case for refusing planning permission rested on comments from the Highway Authority (HA) (a Statutory Consultee) which details that the proposed junction's visibility sightlines would be inadequate and its location close to the existing junction would interfere with the free flow of traffic. The HA concluded the proposal would be prejudicial to highway safety and recommended that planning permission be refused.
6. It is evident that there is a difference of opinion between the main parties regarding the details of the sightline measurements submitted by the applicant. The applicant insists that images showing the visibility and dimensioned plans were provided. However, the Council advises no written evidence was submitted. As I have not been provided with the relevant correspondence regarding this matter, I have insufficient evidence to show the Council's behaviour was unreasonable. Similarly, while the applicant alleges that the

Council did not allow sufficient time to consider this matter, little evidence of this is presented.

7. While I appreciate the applicant's comment that a meeting on site could have resolved the sightline dispute, it has not been shown that the Council was given sufficient evidence to justify the need to complete this.
8. The Council's decision and Delegated Planning Report clearly sets out its reasons for refusal based on the HA's objection. Within my appeal decision I have come to a different view regarding the sightlines. However, there is little justification that, at the application stage, the Council used vague, generalised, or inaccurate assertions about the proposal's impact, which were unsupported by any objective analysis.
9. Further to the above, at the application stage I also note that the applicant did not address the HA's other concern regarding the adverse effect the proposal would have on the existing junction. No evidence to show that, even if the sightline objection had been resolved, the HA would have removed its second reason for its objection or that the Council would have changed its decision has been presented.
10. Consequently, it has not been shown that the appeal was unnecessary or the applicant suffered unnecessary or wasted expense in pursuing it.
11. Having considered the matters above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and therefore the application for an award of costs is refused.

J Symmons

INSPECTOR