



Costs Decision

Site visit made on 23 April 2024

by A J Sutton BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Costs application in relation to Appeal Ref: APP/E2001/W/23/3335708 Land off Ivy Park Road, Goole DN14 6YG

- 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 for a full award of costs is made by East Riding of Yorkshire Council against Kremer/Surebay Properties Ltd.
 - The appeal was against the refusal of planning permission for 18 residential dwellinghouses and garages off new estate road.
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Decision

1. The application for costs is dismissed.

Reasons

2. The Planning Practice Guidance (PPG) sets out that irrespective of the outcome of an appeal, costs may only be awarded where a party has behaved unreasonably, in either a procedural or substantive way, which has directly caused another party to incur unnecessary or wasted expense in the appeal process. Examples of unreasonable behaviour include failure to produce evidence to substantiate reasons for refusal on appeal.
3. The PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. The Council asserts that the appellant has failed to co-operate at various stages throughout the appeal process. This is asserted with reference to documents being requested repeatedly and being received in a piecemeal manner. However, the appellant's evidence was made available to the Council in this appeal process and the deadline for the Council's statement was extended to take account of any delay.
5. The applicant has concerns with aspects of the appellant's evidence. However, the appellant's evidence focused on the Council's two main reasons for refusing permission. Moreover, the appellant's evidence addressed relevant planning issues and did not raise matters other than those that the Council had been made aware of through the application process.
6. The applicant also states that the appellant wasted the Council's time chasing information that was available on public record, and that the appeal evidence included information already being considered through the local plan examination process. However, the submitted evidence relates to relevant

matters in this Section 78 appeal case. As such, no unnecessary duplication has occurred in this regard.

7. Also, it is a matter for the appellant whether to appoint representatives to present their case. Moreover, this was an option open to the Council if it so wished. Indeed, the Council did employ external consultants to defend its main reason for refusing planning permission.
8. I agree with the Council's reasons for refusing planning permission in this case. However, for the reasons outlined above, I find no compelling evidence that the appellant's behaviour has been unreasonable or has acted in a way that has resulted in unnecessary wasted expense.

Conclusion

9. For the reasons outlined above, an award of costs is not justified in this case.

A J Sutton

INSPECTOR