



Costs Decision

Site visit made on 11 June 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

**Costs application in relation to Appeal Ref: APP/U2750/W/23/3332839
Coulbeck Grainge, Sexhow Lane, Sexhow, Hutton Rudby, North Yorkshire
TS15 0ER**

- 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 Karl Syson for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for the retrospective change of use to B2.
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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 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 applicant is seeking a full award of costs and highlights substantive issues, alleging that the Council acted unreasonably in refusing planning permission based on a reason for refusal with no factual or technical foundation. It is also suggested that the Council failed to give sufficient weight to the professional advice of the local highway authority and has instead relied upon the submissions of interested parties in reaching its reason for refusal.
4. The Council refused the application because they contend that the development has an adverse effect on the amenity and enjoyment of various users on the public bridleway. In doing so, it is contrary to the provisions of Policy IC2, IC3 and E4 of the Hambleton Local Plan (2022). As set out in the Council's officer report, the local highway authority consultation response was taken into account and consequently highway safety did not form a reason for refusal.
5. The PPG makes it clear that a local planning authority is at risk of an award of costs if it makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. In my view, the officer report and the committee minutes are sufficiently detailed and explain the reasons why the application was refused. The reason for refusal clearly identified the alleged harm arising from the development. That is a matter of planning judgement, notwithstanding that the appellant may disagree with certain matters raised by the Council.
6. It seems to me that regard was had to the representations made, the extant use at the site, the benefits of the development and relevant planning policy. I

am therefore satisfied that the reason for refusal was adequately substantiated, clearly demonstrating on planning grounds why the development is unacceptable in their view.

7. Even if the Council had favourably considered the use of a planning condition to secure an alternative route for a section of the public bridleway, owing to their assessment of the development and its overall effects on the users of the track, the Council would have been unlikely to have come to a different conclusion. The appeal could not therefore have been avoided and it is not clear that the applicant has incurred unnecessary or additional costs as a result of the Council's preference for a formal diversion for any alternative route.

Conclusion

8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and I therefore conclude that an award of costs is not warranted.

F Harrison

INSPECTOR