



Costs Decision

Site visit made on 17 September 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Costs application in relation to Appeal Ref: APP/C2741/W/24/3344312 York Wheatlands Caravan Site, North Field Lane, Poppleton, York YO26 6QF

- 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 and Mrs S Otley for a full award of costs against the City of York Council.
 - The appeal was against the refusal of planning permission for the laying of gravel to create internal access track and 5 caravan pitches.
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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. Unreasonable behaviour may be procedural and/or substantive.
3. The applicants contend that the Council has acted unreasonably by misinterpreting the length of permitted usage of the site during the year and therefore the conclusion that the proposal would enable an intensification of use was erroneous. Additionally, the applicants argue that the position taken by the Council on the proposal is inconsistent with its stance on other similar developments. The Council disputes that it has acted unreasonably.
4. The Council's consideration of the proposal seems to have been based on the view that as a Camping and Caravanning Club certified site, it can operate for up to 60 days per calendar year. This is seen in the references in the officer report at paragraphs 5.6, 5.7 and 5.8. However, the applicants had informed the Council during its consideration of the application that the site can operate all year-round. It does therefore appear that the Council's assessment of the proposal was based on a particular stance about the duration of the operation that was not reflective of the actual situation.
5. As can be seen from my decision on the appeal, my view is that it cannot be assumed that there is currently a limited use of the site given its year-round use. Additionally, my assessment of the baseline character and appearance of the site is different to that of the Council. While I appreciate that this latter point is, to an extent, a matter of judgement, it is also in part due to the fact that the site can be used all year round.

6. Nonetheless, given the site conditions that the applicants have described, even if there was a misunderstanding by the Council of the duration of use, I concur that the proposal would result in some harm to the openness of the Green Belt. This is because it would facilitate a more frequent use of the site by caravans and motorhomes when there are wet ground conditions, particularly during the winter months.
7. Importantly therefore, having regard to my conclusions on the proposal where I have found that the Council had reasonable concerns about its effect on the openness of the Green Belt, this has not led to an appeal which could otherwise have been avoided. On that basis, the applicants have not been put to unnecessary or wasted expense in progressing the appeal.
8. The PPG advises that local planning authorities may be at risk of an award of costs by not determining similar cases in a consistent manner. The applicants identified two cases in the Green Belt where the Council granted planning permission for an extension to an existing caravan site and a reconfiguration of another. Both cases appear to have included areas of hardstanding. The Council contends that the local circumstances of these cases were fundamentally different to the appeal proposal.
9. Consistency in the planning process is important. However, based on the available evidence before me on these two cases, I cannot conclude that they are so directly comparable to the appeal proposal that they should have dictated the approach that the Council adopted.
10. For the reasons given, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified.

F Wilkinson

INSPECTOR