



Costs Decision

Site visit made on 23 October 2024

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Costs application in relation to Appeal Ref: APP/C2741/C/23/3319791

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Richard Harrison Limited for a full award of costs against City of York Council.
- The appeal was against an enforcement notice alleging use of a dwellinghouse in use as short-term visitor accommodation for paying guests.

3 Gladstone Court, Gladstone Street, York YO31 8AA

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 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. Whether it was reasonable, or expedient, for a Council to issue an enforcement notice based on the information/evidence they had available, is a matter for the courts. This is not a matter to be considered by an appointed Inspector as part of the appeal process.
4. While I found it necessary to correct the allegation to give it precision, I was in no doubt that the appellant understood what was being alleged. The reasons for the notice being issued identify harm, which although brief, is clear. The appeal on ground (c), that the matter alleged does not constitute a breach of planning control, failed as I found that the material change of use, as corrected, had occurred as a matter of fact.
5. The number of complainants or complaints is not determinative as to whether enforcement action should be taken. Complaints from a limited number of nearby residents is to be expected given the nature and location of the breach of planning control in this case. Furthermore, I found harm to neighbours' amenity had occurred, but also that it could be addressed by way of imposition of a condition on the grant of planning permission for the deemed application.
6. For the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

M Madge

INSPECTOR