



Costs Decision

Site visit made on 6 November 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Costs application in relation to Appeal Ref: APP/E2001/W/24/3344974 Toft Lane Woods, Bridlington Bay Road, Carnaby YO15 3QG

- 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 Eddy Halliday for a full award of costs against East Riding of Yorkshire Council.
 - The appeal was against the refusal of planning permission for chalet site for the siting of 6 no. permanent holiday chalets.
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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. Local planning authorities are required to behave reasonably in relation to procedural matters at the appeal and with respect to the substance of the matter under appeal. Examples of unreasonable behaviour may include preventing or delaying development which should clearly be permitted; failure to produce evidence to substantiate each reason for refusal on appeal; or vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant for costs contends that the Council has failed to adequately assess the proposal, including inaccuracies in the officer report. It is also alleged that the Council has failed to follow due process, including not taking into account consultation responses, determining the application prior to the end of the public consultation period, inconsistently applying the scheme of delegation and rushed decision making.
5. In the first instance, while behaviour and actions at the time of the planning application can be taken into account, costs can only be awarded in relation to unnecessary or wasted expense at the appeal.
6. The reasons for refusal are set out clearly in the Council's decision notice. Further justification is provided in the Council's officer report. While I recognise there was erroneous reference to a new access in the officer report, it is clear from the remainder of the evidence that the highway safety assessment was based on the correct proposal. This therefore did not fundamentally affect the Council's assessment.

7. It will be seen from my decision that I agree with the Council's judgement that there were sufficient grounds for refusing planning permission based on conflict with the identified national and local planning policies and relevant material considerations. I thus do not find that the Council has acted unreasonably in its assessment of the application, nor its understanding of relevant matters.
8. There is no evidence that the Council did not comply with its statutory duties with regards to publicity. While the Council indicates that it extended the initial consultation period for the Nature Conservation Officer only, it is under no obligation to accept late representations. Nevertheless, comments in support of the application from interested parties received on 20 December 2023 have been submitted by the Council as part of the appeal. It has also not been demonstrated that the Council has failed to consider the views of consultees.
9. The applicant has also raised concerns regarding the Council's scheme of delegation for planning applications, and whether the application was determined in accordance with this. The Council maintains that the application did not meet the threshold for referral to its planning committee. A copy of the scheme of delegation is not before me and so there is no compelling evidence to indicate that the Council acted unreasonably in this regard, or that this resulted in unnecessary or wasted expense in the appeal.
10. While the decision was issued on the last working days before Christmas, this does not in itself indicate that the decision was rushed or amount to unreasonable behaviour.

Conclusion

11. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ryan Cowley

INSPECTOR