



Costs Decision

Site visit made on 15 December 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Costs application in relation to Appeal Ref: APP/C2741/W/24/3349410 52 Moat Field, Osbaldwick, York YO10 3PT

- 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 Miss Carole Sells for an award of costs against City of York Council.
 - The appeal was against the refusal of planning permission for single storey side/rear extensions, porch to front, conversion of garage to habitable space and creation of refuse storage.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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 appellant raises a number of points in which they believe the Council has acted unreasonably and that this behaviour has caused them unnecessary expense. These include failing to engage in constructive discussions including providing poor guidance and delay in terms of timescales for determination.
4. In terms of not engaging with the appellant, The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) states that Councils are required to issue a statement on whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. I note that the Council included a statement in the decision notice.
5. The statement confirms that the Council attempted to negotiate acceptable cycle and refuse storage provision however that it was not possible to achieve a positive outcome, resulting in planning permission being refused.
6. I understand that discussions were had during the consideration of the application and despite whomever initiated the discussions a revised plan was provided by the appellant in an attempt to address the concerns from the Council. Notwithstanding this until amended plans are submitted for consideration a decision on the acceptability cannot be formally made.

7. The Council failed to determine the application within the prescribed timeframe, including by the agreed extension of time date. Whilst there was a delay in issuing the decision it will be seen from my decision that I agree with the Council that there were sufficient grounds for refusing the development. As such I am not persuaded that the delayed timeframe caused unnecessary or wasted expense to the appellant.
8. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

C Pipe

INSPECTOR