



Costs Decision

Site visit made on 18 December 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Costs application in relation to Appeal Ref: APP/E2001/W/24/3345618

The Grange Caravan Site, Bempton Lane, Flamborough YO15 1AS

- 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 John Lee for a full award of costs against East Riding of Yorkshire Council.
 - The appeal was against the refusal of planning permission for the demolition of existing building and proposed use of part of the existing caravan site and change of use of land (including part of the caravan storage areas) for the positioning of static caravans and/or touring caravans with a reduction in the number of both holiday and storage units.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

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. The PPG identifies that unreasonable behaviour includes vague, generalised, or inaccurate assertions which are unsupported by any objective analysis, and a failure to produce evidence to substantiate reasons for refusal.
3. The applicant seeks a full award of costs, and contends that the Council refused the application for vague reasons unsupported by evidence or tangible matters. In particular they suggest it was based on general concerns associated with the increase of static caravans in the Flamborough area, and did not take into account the reduction in other forms of holiday accommodation across the appeal site and the lack of visibility of the new static caravans. They consider that the reason for refusal fails to identify any specific conflict with the policies being quoted, and the proposal complies with the quoted policies.
4. The extent to which the proposal would impact on the character and appearance of the countryside, and the weight to give to the scheme's benefits should harm be identified, is a matter of planning judgement. As such, a Planning Committee is entitled to come to a different decision to that recommended to it by Council officers. The use of the word 'unsympathetic' within the reason for refusal is not uncommon in the context of discussing landscape character. Relevant policies were cited which related to matters of character and appearance.
5. However, although I found similarly to the Council that the additional static caravans would cause visual harm, I found this to be of a more limited extent. The

proposal would not extend the site boundaries, and would be of limited visibility. General concerns of the cumulative impact of additional static caravans on the character of the countryside are therefore of only minimal weight.

6. Furthermore, the Council's decision did not then properly give sufficient weight to the scheme's mitigation or benefits. These involve the benefits to character and appearance of increased landscaping, demolition of the unsightly large storage building, removal of 200 white touring caravans, and removal of a potential 80 tents and 80 pod structures in the frontage field. It would also reduce traffic overall and reduce touring caravan traffic, and improve the footpath frontage for existing staff and visitors.
7. Moreover, the proposal was also suggested to potentially cause additional damage to grass verges resulting in harm to the village character. I found this to be unfounded, partly due to a lack of specific evidence from the Council of where and how this damage occurs. It was also again because the appeal proposal would result in reduced traffic overall, and particularly in reduced tourer caravan traffic. As such, there was no rationale for why and how any such damage could be caused by this specific appeal proposal.
8. I thus fail to see how it was reasonable to conclude that the proposal would cause harm overall, taking into account the appeal proposal as a whole against the extant position.
9. Overall, I therefore find that the reason for refusal is not fully substantiated or supported by objective analysis, and is based on vague and generalised assertions about the proposal's impact. The appeal was unnecessary overall. As described in the PPG, unreasonable behaviour resulting in unnecessary or wasted expense has occurred, and a full award of costs is therefore warranted.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Riding of Yorkshire Council shall pay to Mr John Lee, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to East Riding of Yorkshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L N Hughes

INSPECTOR