



Costs Decision

Site visit made on 22 May 2024

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Costs application in relation to Appeal Ref: APP/V0728/W/24/3338534 Grewgrass Farm, Grewgrass Lane, New Marske, Redcar And Cleveland TS11 8EB

- 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 J Whaites for a full award of costs against Redcar and Cleveland Borough Council.
 - The appeal was against the refusal of planning permission for agricultural building and access.
-

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. The heart of the applicant's claim is that the Council was unreasonable in its decision-making, refusing his scheme over lack of information relating to the future use of the agricultural building for which consent was applied, rather than determining the case on the actual content of the application. The PPG sets out that a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal, for example, by preventing development which should clearly be permitted or by not determining similar cases in a consistent manner.
4. I appreciate that the outcome of the application will have been a disappointment to the applicant. However, the delegated report and minutes of the Regulatory Committee meetings clearly set out the factors which led the Council to its conclusion. The Council considered whether the submitted evidence provided clear justification of the need for the agricultural building, access track and area of hardstanding for agricultural purposes against the policies of the development plan.
5. The Council's conclusion that there was insufficient information to demonstrate need for the access and the agricultural building in this location for the purposes of current agricultural activity or expansion, or due to technical or operational reasons, or for recreation or tourism, was not unreasonable. As set out in paragraph 50 of the PPG, to refuse a planning application not in accordance with the development plan, where no material

considerations indicate that permission should be granted, does not amount to an unreasonable refusal.

6. The appellant considers that the Council incorrectly focussed on the use of the proposed building and access, stating that no change of use is proposed. However, the appeal fails to recognise the importance of detailed information and clear justification of rural and exceptional need for the agricultural building's use in this countryside location, to inform assessment of how the proposal aligns with rural character and avoids unnecessary harm to the environment or local community in compliance with planning policy.
7. The Council has not therefore behaved unreasonably with respect to the substance of the matter under appeal.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N Kempton

INSPECTOR