



Costs Decision

Site visit made on 27 December 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2025

Costs application in relation to Appeal Ref: APP/U2750/W/24/3350480

Land to the west of Croft Lane, Carlton Husthwaite, Thirsk, YO7 2BS

- 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 Richard Roberts Ltd for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of outline planning permission for erection of 4 no. bungalows [Use Class C3] with all matters reserved except access.
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Decision

1. The application 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 appellant raises two grounds for an award of costs. Firstly that the Council has inconsistently applied local policy and second that the Council has failed to appreciate the distinction between a previous planning application in the appeal site and that the subject of the associated appeal.
4. The applicant alleges that the Council has inconsistently applied the principles of Policy HG5 criteria b and c regarding the mix of housing on the appeal site and whether the proposal, individually or cumulatively, would constitute incremental growth of the village commensurate to its size, scale, role and function. They do this by making comparisons with other planning applications that have been determined by the Council for new housing at other Small Villages as allocated under Policy S3 of the Hambleton Local Plan.
5. However, no small village is the same particularly in terms of the size of the village and the number of previous planning applications for houses that had already been granted. In addition, the applications referred to are for a variety of number of houses and in different locations within the villages. Moreover, the housing mixes are mostly different on each. Hence, even though the planning policy is identical, there is no predictable pattern that can be taken with the decisions, especially given other issues involved will be different so that the level of harm and benefit would also be different which may account for variation in decision making. I do not consider therefore that the Council has acted unreasonably in this respect.

6. From the evidence submitted it appears that the application the subject of the appeal was different to that previously considered in that it was for four self/custom build bungalows, and was accompanied by a Heritage Impact Assessment, a Housing Mix and Local Demand Assessment, a Landscape and Visual Impact Assessment and a CGI Assessment to assist in demonstrating the impacts of the proposal. However, the planning officer's report refers to these documents except for the CGI assessment. However, given that it is clear due regard was had to the other documents I see no reason to suggest the CGI assessments were not considered. Indeed I have reached a conclusion that the proposal would lead to harm, using these documents and my observations on site, albeit at a lower level than the Council. I am satisfied therefore, that the Council made a clear distinction between the consideration of previous proposal on the appeal site and those before me now. Consequently, it has not acted unreasonably in this regard.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs.

Zoe Raygen

INSPECTOR