
Costs Decision

Site visit made on 20 January 2025

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Costs application in relation to Appeal Ref: APP/C2741/W/24/3351531 70 Walmgate, York, YO1 9TL

- 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 1Voyage Ltd for a full award of costs against City of York Council.
 - The appeal was against the refusal of the Council grant planning permission for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
-

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. As can be seen from the substantive decision in this case, the Council appear to have discharged condition 3 which effectively approved the details of the windows in question without compliance with details relating to sound attenuation submitted by the appellant during the planning application process.
4. The appellant has now installed the windows approved by condition No 3, but they do not, and it seems may not be able to be made to comply with condition No 7. This is an unfortunate series of events where one could argue both parties are at fault to some degree. In such circumstances it would be unfair to award costs against one party.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Louise Crosby

INSPECTOR