



Costs Decision

Site visit made on 28 January 2025

by **R Merrett Bsc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Costs application in relation to Appeal Ref: APP/H2733/X/23/3330009 Land adjoining Friars Way, Scarborough, North Yorkshire YO11 1HN

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Scarborough Borough Council for a full award of costs against Mr Sahed Ahmed.
 - The appeal was against the refusal of a certificate of lawful use or development for lawful commencement of development pursuant to planning permission reference 19/02420/FL.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Paragraph 030 of the Government's Planning Practice Guidance (PPG)¹ advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The basis of the Council's costs claim is simply that the appellant has provided a lack of clear evidence for commencement of the development. It says the decision to appeal was therefore unreasonable in the absence of sound grounds.
4. It is a matter of fact and degree as to whether a material operation can be said to have taken place, sufficient to begin a development. I disagreed with the appellant's case that steps pursuant to the archaeological investigation constituted a material operation relating to the commencement of development. However, the appellant's architect clearly explained their position in this regard, and in so doing, to my mind, did not step beyond the threshold of reasonable behaviour.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R Merrett

INSPECTOR

¹ Reference ID: 16-030-20140306