



Costs Decision

Site visit made on 3 February 2025

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Costs application in relation to Appeal Ref: APP/C2741/W/24/3352899 Pigotts Autoparts, Sheriff Hutton Road, Strensall, York, YO32 5XH

- 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 Jim Pigott for a full award of costs against City of York Council.
 - The appeal was against the refusal of planning permission for is outline planning application (with all matters reserved except for access, layout and scale) for the demolition of existing structures and erection of 6 No dwellings and associated access, car parking and landscaping.
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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 my substantive decision I have dismissed the appeal. I have found in favour of the Council in all but one of the reasons for refusal. Moreover, although I found in favour of the appellant regarding the third reason for refusal in relation to the Habitats Regulation Assessment, this is because the appellant submitted a screening assessment as part of the appeal process. The Council did not have this when determining the planning application.
4. I note that the appellant submitted a request for pre-application advice in 2019, prior to the submission of the planning application for 9 dwellings and a community building. Whilst the advice did not refer to all of the matters raised in the reasons for refusal, it was clear that the proposal would not be supported because of the unsustainable location of the site (first reason for refusal).
5. I note that the advice was caveated to say that the advice was given at officer level only, with every intention of assisting you but that the advice was not binding in terms of any future decision reached by the Council. This in my experience is standard practice for Council's providing pre-application advice. The advice also points out that there is extensive planning history for the site, including a number of historic planning applications for residential development.

6. This was then followed by a planning application which was determined in 2023 for 6 dwellings. This was refused for the same reasons as the latest case which is the subject of this appeal.
7. The Council's consistent concerns about the unsustainable location of the site, a matter which I have agreed with them on is difficult to overcome without, for example the introduction of a regular bus service along Sheriff Hutton Road and/or a surfaced footpath in the verge of the road.
8. I find that the Council have acted in a consistent manner in relation to this site over a long period of time. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Louise Crosby

INSPECTOR