



Costs Decision

Site visit made on 4 February 2025

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Costs application in relation to Appeal Ref: APP/E2001/W/24/3351835

The Stables, Westwood House, Main Street, North Dalton YO25 9XA

- 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 Sharon Nicholson of Sovereign Build Ltd. for a full award of costs against East Riding of Yorkshire Council.
 - The appeal was against the refusal of planning permission for the erection of a single, three bedroom new dwelling and double garage. The house will be arranged over a single storey with drive and associated hard landscaping.
-

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. Unreasonable behaviour may be procedural and/or substantive.
3. In summary, the applicant contends that the Council has acted unreasonably in that it has gone against the advice of its professional officers without good reason and there is no evidence to support/rationalise its reasons for refusing the application. Additionally, in refusing the application, the Council has not had regard to national planning policy or its own adopted policies. The Council disputes that it has acted unreasonably.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. I have noted the recommendation of the Council's officers which was for approval. The planning committee is not duty bound to follow the advice of its officers as long as its contrary decision is made on planning grounds and clear evidence is provided to substantiate that reasoning.
6. As highlighted by the applicant, the reason for refusal does not use the terminology in the National Planning Policy Framework (the Framework) to describe the level of harm to the North Dalton Conservation Area (the CA). Nevertheless, it is clear from the refusal reason why the Council considered that there would be harm to the CA. This is consistent with views expressed in the officer report, including the positive

- contribution that the appeal site makes to the character and appearance of the CA, the concern about the effect of development on an undeveloped site, and that harm would be caused.
7. The officer report concluded that the proposal would cause less than substantial harm to the significance of the CA, which is consistent with the views of the Council's conservation officer and Historic England as expressed in their respective consultation responses. In such circumstances, the Framework requires that this harm should be weighed against the public benefits of the proposal. The case officer considered that there were public benefits which would outweigh the less than substantial harm.
 8. However, as expressed in the refusal reason, the planning committee took a contrary view about the weight that should be given to the public benefits. The weight which should be given to a particular planning consideration is a matter for the decision maker's discretion. Consequently, in my view, the planning committee did not act unreasonably in coming to the position set out in the refusal reason on a case where the decision was a matter of judgement.
 9. The reason for refusal arrived at by the planning committee explains why it considered the proposed development to be unacceptable and this is framed within the context of the development plan and the Framework.
 10. The PPG states that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. I find this to be the case here.
 11. For the above reasons, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

F Wilkinson

INSPECTOR