



Costs Decisions

Inquiry held on 20 and 21 November 2024

Site visit made on 22 November 2024

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Costs application in relation to Appeal A Ref: APP/C9499/C/23/3329563

Land at Low Hall Farm, Kettlewell, Skipton, North Yorkshire BD23 5QZ

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Charles Lund for a partial award of costs against Yorkshire Dales National Park Authority.
 - The inquiry was in connection with an appeal against an enforcement notice alleging the change of use of the land to use for the siting of touring caravans (including campervans) and tents for residential holiday purposes ("a camping and caravan site").
-

Costs application in relation to Appeal B Ref: APP/C9499/X/23/3323341

Low Hall Campsite, Low Hall Farm, Kettlewell, North Yorkshire BD23 5RB

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Lund for a partial award of costs against Yorkshire Dales National Park Authority.
 - The inquiry was in connection with an appeal against the refusal of the Authority to issue a certificate of lawful use or development (LDC) for a seasonal camping and caravan site (1 March to 31 October each year).
-

Decisions

1. The applications for awards of costs are refused.

The submissions for Mr John Charles Lund/John Lund

2. The costs application was submitted in writing.

The response by Yorkshire Dales National Park Authority

3. The response was made in writing.

Reasons

4. 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.
5. The applicant invited the respondent to withdraw the enforcement notice the subject of Appeal A and confirm that it would no longer resist Appeal B by 14 August 2024. As the respondent did neither, the applicant seeks an award of all costs he incurred in the appeals thereafter.

6. The applications relating to that period are founded on the applicant's view that he had provided evidence from independent and informed sources of sufficient extent for both appeals to be allowed. He contends that this is in marked contrast to the evidence of the respondent, which should therefore have reviewed its position, withdrawn the notice, and stopped resisting the issue of an LDC.
7. The respondent had evidence of its own that called some of the applicant's assertions into question and its reliance on the independent evidence of local people who presented a different version of events was not unreasonable. Furthermore, as I found, it had good reason to question the evidence of one of the applicant's witnesses regarding the use of Field 2 and the extended hardstanding associated with the adjacent workshop building.
8. However, as noted in the Main Decision, there was a change after 2021, when the applicant began managing the land. His own evidence, and that of others, indicate that the camping and caravan site use increased to make full use of all 3 fields for the full season (March to October), made possible by the end of summer agricultural use. This resulted in a significant change in the definable character of the mixed use and constituted a material change of use. That change of use was instituted less than 10 years before the LDC was made and the notice was issued.
9. Accordingly, the respondent's decisions to not withdraw the notice and to continue to resist Appeal B were not unreasonable. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted for either appeal.

Mark Harbottle

INSPECTOR