



Costs Decision

Site visit made on 20 February 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Costs application in relation to Appeal Ref: APP/E2001/W/24/3355488

Former Hornsea Library, 77 Newbegin, Hornsea, East Riding of Yorkshire HU18 1PA

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ian Staines for a full award of costs against East Riding of Yorkshire Council.
 - The appeal was against the refusal of planning permission for the change of use of former library building to flats including demolition of single storey elements to rear to form new car park area, alterations to cladding and construction of second floor area within new pitched roof structure.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance 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. It is alleged that the council prevented or delayed development which should clearly have been permitted; and failed to produce evidence to substantiate each reason for refusal.
4. The council's officers, including those commenting on heritage and highway safety matters, supported the proposal. It was recommended for approval following alterations to the plans that were requested by those officers. Whilst the planning committee is entitled to reach an alternative view, the concerns raised must be demonstrable and take into account all necessary matters. The decision notice included two reasons for refusal but it is not clear from the committee minutes that this was intended. In any event, I have found nothing to support the concern with regard to the impact on the character or appearance of the area; nor has there been any evidence submitted to support the highway safety concerns raised. Furthermore, no assessment has been provided to indicate how such concerns were considered in relation to the benefits of providing new residential accommodation.
5. The council has delayed development which should clearly have been permitted; and has failed to produce evidence to substantiate each reason for refusal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated; and that a full award of costs is justified.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Riding of Yorkshire Council pay to Mr Ian Staines, the full costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant is now invited to submit to East Riding of Yorkshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Peter Eggleton

INSPECTOR