
Costs Decision

Site visit made on 4 March 2025

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 17 March 2025

Costs application in relation to Appeal Ref: APP/C2741/Z/24/3350979 Roomzzz Aparthotel, Terry Avenue, York YO23 1FG

- 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 Parklane Group for a full award of costs against City of York Council.
 - The appeal was against the refusal of an application for the display of two non-illuminated fascia signs B and D at high level on the eastern and northern elevations at the Roomzzz Aparthotel.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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. In this case, the appellant argues that the Council acted unreasonably in failing to assess the application against the correct legislation and failing to produce evidence to justify the refusal, offering only vague and inaccurate assertions about the impact of the advertisements. As such the application should have been approved and the appellant was put to the unnecessary expense of an appeal.
4. In relation to the legislation, paragraph 2.1 of the Council's development management officer report was in error in referring to Section 38(6) of the Planning and Compulsory Purchase Act 2004 as this applies to applications for planning permission. However, the Council's reasons for refusing signs B and D clearly refer to harm to amenity (of the riverside and nearby residents), the correct criterion for assessment under the Advertisement Regulations. Whilst the National Planning Policy Framework does not contain the 'preserve or enhance' test itself, it explains how that legislative test should be applied when conservation areas are affected. These quibbles with the Council's report do not therefore show that the decision reached was fundamentally flawed.
5. In justifying its decision, the Council explained clearly its views on the visual impact of the signs on the riverside environment and the amenity of nearby residents. These views were not vague or inaccurate. The view that the riverside is semi-rural is at least arguable and certainly not irrational. The effect of the signs on amenity is essentially a question of planning judgement

and differing views can reasonably be reached. Whilst the appeal has been allowed, the Council put forward a credible and substantive case and it was not unreasonable to pursue the matter at appeal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

David Reed

INSPECTOR