



Costs Decision

Site visit made on 16 December 2024

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Costs application in relation to Appeal Ref: APP/W9500/W/24/3350385 Townend Farm, Whitby Road, Easington, Redcar and Cleveland TS13 4NE

- 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 Iain Graham for a full award of costs against North York Moors National Park Authority.
 - The appeal was against the refusal of planning permission for extension of five-van site (motorhomes – no tents) to provide an additional 7 hardstandings and new access direct to Whitby Road (A174).
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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. The applicant is seeking a full award of costs on the basis that the Highway Authority ('the HA') acted unreasonably in failing to provide comment upon the planning application before subsequently providing comments at the appeal stage, and that the National Park Authority ('NPA') acted unreasonably in determining that the proposal would lead to harm to highway safety without qualified input, subsequently seeking the views of the Highway Authority at the appeal stage, and failing to act proactively during the application process.
4. The provided application for a claim of costs only identifies the NPA as being subject to it. Although the claim makes reference to the actions of the HA, it is important to note that no claim of costs against the HA has been made.
5. It is unfortunate that the HA did not, when consulted, provide comment upon the planning application. This is particularly so, given the status of the HA as a statutory consultee, and that when the comments were ultimately provided at the appeal stage, they indicated that it objected to the proposal. While there is nothing to indicate that the receipt of earlier comments could have avoided the appeal altogether, had they been provided earlier; they could have informed discussions between the parties at the application stage.
6. The evidence indicates that the NPA made several, albeit unsuccessful attempts to secure the views of the HA during the application process. That the HA failed to provide its comments was ultimately a matter beyond the control of the NPA, and

as it appears to have taken reasonable steps to secure the comments, it would not be reasonable to award costs against the NPA on this basis. As set out above, the HA itself is not subject to this application for costs.

7. The NPA refused the application, partly for reasons of highway safety, without the views of the HA being known. However, while HAs provide valuable technical advice on highway safety matters, it is still within the prerogative of an NPA to refuse to grant planning permission for proposals without the views of the HA being known, or, in some cases, contrary to the views of the HA, provided that such concerns are substantiated. This being the case, the actions of the NPA in refusing planning permission on the basis of highway safety did not amount to unreasonable behaviour, nor, given the subsequent comments of the HA would it have led to an otherwise avoidable appeal in any case. This is particularly so, given that I have found in favour of the NPA on this main issue.
8. The failure to provide comments previously did not preclude the HA from providing representations at the appeal stage. These were provided within the appeal timetable, and regardless of the means by which they were submitted, the applicant was able to respond to them, so was not prejudiced by this to an unreasonable extent. There would have been a need to address the comments of the HA, whether received during the planning application process, or at the appeal stage. Therefore, the actions of the HA have not led to unnecessary work on the part of the applicant, and in any event, no claim for costs has been made against the HA.
9. Even if the NPA had sought to prompt the HA to respond to the appeal process, this would not be inherently unreasonable as part of the normal process of compiling a case in the appeal process. Furthermore, when seeking the views of the HA, it would not necessarily have been clear to the NPA that the HA comments would be supportive of its position. It does not, therefore, follow that the NPA was unreasonably seeking to bolster its case at a late stage.
10. There is no substantive evidence before me to indicate that the Council acted unreasonably intransigently during the planning application process, and the planning application form indicates that the applicant did not seek pre-application advice. Overall, I conclude that there is no indication that the Council behaved unreasonably during the planning application process, such that it led to an otherwise unavoidable appeal.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR