



Costs Decision

Site visit made on 18 March 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2025

Costs application in relation to Appeal Ref: APP/U2750/X/24/3344028

Potto Hall, Parson Back Lane, Potto, North Yorkshire DL6 3EU

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Dr Anthony Lang for a full award of costs against North Yorkshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development (LDC) for proposed use of houses, curtilages, lands and grounds at numbers 3 and 6 Potto Hall as two properties with private residential houses at 3 and 6 with adjoining and detached private residential garden lands as curtilage.
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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 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 considers the Council have acted unreasonably by ignoring the weight of evidence, asking for further evidence and not keeping to deadlines.
4. As can be seen from my appeal decision, I have found that there was insufficient evidence in which to grant an LDC. Subsequently, I have dismissed the appeal. The Council have therefore not acted unreasonably in terms of how they have dealt with the submitted evidence and requests for further information.
5. From the submitted emails, there appears to be significant delays in the Council responding to emails from the applicant, which is unreasonable behaviour. Nevertheless, whilst the Council have acted unreasonably in this regard, I do not consider this would have prevented an appeal being submitted and therefore this has not resulted in unnecessary or wasted expense to the applicant.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Chris Baxter

INSPECTOR