



Costs Decision

Hearing held on 11 March 2025

Site visit made on 11 March 2025

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 MARCH 2025

Costs application in relation to Appeal Ref: APP/U2750/C/24/3357808 Oakridge Stables, Land to the south of The Woodyard, Amplecarr, Husthwaite, North Yorkshire, YO61 4PW

- 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 Charles Andrew Price for a partial award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for the material change of use of the Land for residential use which includes the siting of a static caravan, a touring caravan and an engineering operation comprising of the laying of hardstanding comprising of hardcore.
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Decision

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

The submissions for Mr Charles Andrew Price

2. The costs application was submitted in writing. The following additional points were made orally. The costs application was made on both substantive and procedural grounds. There had been a lack of understanding regarding the use of the site by the Council which was so profound that it had applied the wrong policies, statute and caselaw. The Council had not known the personal circumstances of the appellant or other occupiers of the site including the status as a gypsy and traveller, and this had resulted in procedural failure.

The response by the Council

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. It is evident that the Council were not aware of the gypsy status of the appellant when serving the notice, and indeed do not refer to the relevant policies dealing with gypsy and traveller sites in the notice. This means that the correct policies were not considered when the Council decided to issue the notice, and it is also clear that they were not aware of who was occupying the site, including the children. However, they did allege that there was a material change to a residential

- use, and must therefore have been aware that enforcement action could lead to the occupiers becoming homeless.
6. The Council had visited the site (although they did not speak to anyone) and tried to correspond with the applicant at the address held by the Land Registry, and no planning application was made prior to the issuing of the notice. The Council addressed the status of the occupiers following the appellant's statement of case but they still had concerns with the development, primarily in relation to the character and appearance and highway safety, which they explained during the hearing.
 7. The planning merits of a case is often a matter of judgement, and it does not therefore follow that a costs award will always follow the appeal decision. In this case, the Council had concerns which meant they did not believe that permission should be granted and which were articulated during the course of the appeal including at the hearing. The Council did not behave unreasonably in continuing with this position as they had assessed the development in accordance with the most relevant policies at this stage, notwithstanding that it had not fully understood the nature of the development when the notice was issued. The outcome would have been the same had a retrospective application been made and the matter would have still be dealt with by way of appeal.
 8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Zoë Franks

INSPECTOR