



Costs Decision

Site visit made on 11 March 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Costs application in relation to Appeal Ref: APP/E2001/W/24/3356129 Land south of Windcroft, Rolston Road, Hornsea, East Riding of Yorkshire HU18 1XG

- 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 N Young for a partial award of costs against East Riding of Yorkshire Council.
 - The appeal was against the grant subject to conditions of planning permission for erection of a dwelling and construction of new vehicular access (without compliance with conditions 2 (Surface Water and Foul Drainage Details), 4 (Surface Water) and 12 (Permitted Development Rights) and variation of condition 3 (Ecological Enhancement Management Plan), condition 9 (Obscure Glazing), condition 10 (boundary treatments) and 13 (Approved Plans) of Planning Permission 23/00781/PLF) to allow for increase in size of approved garage.
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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. Local planning authorities are required to behave reasonably in relation to procedural matters at the appeal and with respect to the substance of the matter under appeal. Examples of unreasonable behaviour may include preventing or delaying development which should clearly be permitted; failure to produce evidence to substantiate each reason for refusal on appeal; or imposing a condition that does not meet the tests for planning conditions set out in Paragraph 57 of the National Planning Policy Framework (the Framework).
4. The applicant for costs is seeking a partial award of costs in respect of condition No 11 only, on substantive grounds. The applicant contends that the condition is not in accordance with the Framework. It is alleged that wasted expense has occurred in pursuing an appeal in respect of this condition.
5. It will be seen from my decision that I agree with the applicant's position in respect of condition No 11 and have found the condition to be neither reasonable nor necessary, having regard to the justification provided by the Council, and the potential for harm to the living conditions of the occupiers of neighbouring properties and the character and appearance of the area. It is therefore my judgement that the Council acted unreasonably in applying this condition.

6. Nevertheless, the applicant also sought the variation of condition No 12 through the appeal. While I have reached a different view to the Council on this matter, this is a planning judgement, and the Council's reasoning is set out in their officer report and appeal statement and is supported by an objective analysis. The Council thus did not act unreasonably in its application of condition No 12 following changes to the design of the proposed garage, which the applicant ultimately agreed to make.
7. The appeal would thus have been pursued in any event in respect of condition No 12. While the scope of the appeal has been somewhat widened as a result of the Council's decision to impose condition No 11, it has not been clearly demonstrated that unnecessary or wasted expense has been incurred by the applicant in the appeal process as a result.

Conclusion

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ryan Cowley

INSPECTOR