Planning Inspectorate

Costs Decision

Site visit made on 19 May 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2025

Costs application in relation to Appeal Ref: APP/E2001/W/24/3355882
Townend Farm, Woodcock Road, Flamborough, East Riding, YO15 1LF

- 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 Unna for a partial award of costs against East Riding of Yorkshire Council.
- The appeal was against the refusal of planning permission to extend existing stables, re-roof with solar panels erection of new horse walker replacement of dilapidated store building with siting of a new timber frame building.

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. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.

3. The grounds for the Council's unreasonable behaviour relate to the failure to publish important information contained within the appellant's Heritage Statement; lack of opportunity to amend the scheme or issue a split decision and inaccurate assessment of the scheme.

4. It has not been demonstrated that the failure of the Council to publish the Heritage Statement would have altered the outcome of the planning application. Although it was not published, the Council would have been aware of this document. The concerns raised by interested parties were in respect of highway matters, design and use. Whilst the proposed use of the building was outlined in the Heritage Statement, the interested party ultimately suggested this could be controlled through a condition. Such a condition was suggested by the Council within their statement of case. Therefore, while the Council acted unreasonably by not publishing the document, this unreasonable behaviour did not cause the applicants to incur any wasted or unnecessary costs in pursuing the substantive appeal.

5. It is clear that the Council would not entertain an amendment to the application during the determination process. Where a scheme is capable of amendment, negotiation would normally be a vital component in the planning process. However, where a proposal would clearly fail to comply with Policy negotiation for its own sake is not required and is likely to cause both parties to incur unnecessary costs.

There is no obligation for the Council to accept amendments to an application, however they did outline their concerns. Ultimately there is no evidence that the appellant indicated how they would have intended to amend the scheme to address these concerns for the Council to continue to consider it.

6. The Planning Practice Guidance states that in exceptional circumstances it may be appropriate for the Council to use a condition to grant permission for only part of the development[1]. However, this is discretionary and exceptional circumstances have not been demonstrated. It is normally best practice to seek amended plans. The location plan contains all aspects of the development and therefore I consider that a split decision would not have been appropriate in this case.

7. The appellant states there is clear policy support for all aspects of the development and that the presence of local timber structures and the extent of surrounding development do not provide a sound reason for refusal. Whilst my main decision makes clear that I disagree that there would be harm to the character and appearance of the area, the Council exercised its planning judgement based on the specific circumstances of the case and substantiated its position.

8. In conclusion, for the above reasons I cannot agree that the Council has acted unreasonably in this case, either in terms of the process in which the planning application was handled, or the substantive planning issues involved.

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Williams

INSPECTOR

[1] Paragraph: 013 Reference ID: 21a-013-20140306