

Costs Decision

Hearing held on 1 July 2025

Site visit made on 1 July 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Costs application in relation to Appeal Ref: APP/E2001/W/25/3360560

Land off Ivy Park Road, Goole DN14 6YG

- 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 Surebay Properties Ltd for a full award of costs against East Riding of Yorkshire Council.
 - The appeal was against the refusal of planning permission for 18 new dwellings with garages and access roads.
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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 sets down several reasons for its application for costs. These include, the quality of advice given at the pre-application stage, the Council not having regard to new evidence provided as part of the application or giving the applicant time to address concerns during the application, not interpreting guidance correctly, or having regard to or giving due weight to material considerations. The Council has defended itself against the submission.
4. The appeal follows other applications and a recent appeal as well as pre-application advice. The applicant sought to address the reasons that the appeal was dismissed in its resubmission and as the applicant states, a considerable number of documents were submitted. This included updates to reports, historical and superseded documents that had previously been submitted. As such, I accept that the applicant actively sought to address the previous reasons for refusal and material considerations in its submission.
5. However, submitting a large volume of documents does not mean that issues were fully or adequately addressed in the submission. In this regard, it is not unreasonable for the Council to assess the application submission and conclude as it did, and it will be seen from my decision that I have largely agreed with the Council's conclusions. From the evidence before me, the Council offered limited engagement with the applicant during its consideration of the planning application. However, there is no direct link between a swift decision being made on a planning application and a lack of consideration. Given the nature of the main issues,

previous dialogue and advice given, and the position of both main parties, which remained some distance apart, I do not consider this amounted to unreasonable behaviour.

6. The positions of both parties have evolved during the application and appeal process in light of new evidence, and the adoption of the Local Plan Update. Both parties have expressed concerns about each other's submissions and made various assertions to support their arguments, including around the accuracy of each other's accounts and evidence. However, this is part of the appeal process as parties seek to defend their positions. I am not convinced that the extent that the Council sought to articulate their arguments on the issues, or any inaccuracies made, constituted unreasonable behaviour that led to wasted or unnecessary expense in the appeal.
7. Given my conclusions in the appeal decision, the Council has not delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The Council's behaviour in the pre-application advice, planning application or appeal has not constituted unreasonable behaviour that has led to unnecessary or wasted expense in the appeal. As such, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
8. Accordingly, I determine that the costs application should fail, and no award is made.

Mr R Walker

INSPECTOR