



Costs Decision

Site visit made on 18 June 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Costs application in relation to Appeal Ref: APP/E2001/W/24/3356644

Lakeside House, Main Road, Wyton, Hull HU11 4DJ

- 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 East Riding of Yorkshire Council for a full award of costs against Mr Anthony Scott.
 - The appeal was against the refusal of planning permission for change of use of and alterations to dwelling to form tea room at ground floor with dwelling at first floor incorporating construction of 5 dormer windows to rear and the siting of a static caravan to be used as ancillary residential accommodation to dwelling.
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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 right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. Examples of unreasonable behaviour which may result in an award of costs include pursuing an appeal where the development is clearly not in accordance with the development plan, and no other material considerations are advanced that indicate the decision should have been made otherwise, or lack of co-operation on any planning obligation.
4. The Council contends that the appeal fails to respond to the potential impact the proposal would have on the vitality and viability of similar uses within the nearby town centre or to demonstrate compliance with the sequential approach and thereby does not respond to the second reason for refusal. Additionally, the Council considers the lack of a signed legal agreement to secure cessation of residential use at ground floor level would conflict with the requirements in relation to residential development in the countryside.
5. While the appeal should typically be determined based on the information provided at the time of the application, it is within the gift of the appellant to submit a legal agreement with the appeal should this be considered necessary for its success. Nevertheless, there is no indication that the appellant was aware of the Council's requirement for this at the time of the application, and the absence of a legal agreement did not feature in the reasons for refusal.

6. It will be seen from my decision that I agree with the Council that insufficient evidence has been provided to demonstrate compliance with the sequential approach. Nevertheless, the appellant has sought to address the second reason for refusal in their statement, providing evidence pertaining to the previous approval for a similar use at the appeal site, which the appellant considered weighed in favour of the appeal scheme.
7. Accordingly, there is no compelling evidence that the appellant submitted the appeal in the knowledge that there was no reasonable prospect of it succeeding. I thus do not consider it to have been unreasonable for the appellant to pursue the appeal based on their own assessment of the scheme and understanding of the planning issues under consideration.
8. As I have not found the appellant to have acted unreasonably, the Council was not put to unnecessary or wasted expense in defending the appeal.

Conclusion

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

Ryan Cowley

INSPECTOR