



Costs Decision

Hearing held on 19 August 2025

Site visit made on 19 August 2025

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Costs application in relation to Appeal Ref: APP/E2001/W/25/3360286

Allerthorpe Golf and Country Park, Melbourne Road, Allerthorpe, East Riding of Yorkshire YO42 4RL

- 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 Allerthorpe Golf and Country Park Limited for a full award of costs against East Riding of Yorkshire Council.
 - The appeal was against the refusal of planning permission for change of use of land for the siting of 12 additional static caravans with landscaping and infrastructure works in connection with the existing caravan site.
-

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 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's cost claim asserts that the Council has acted unreasonably on substantive grounds. It is claimed that the proposal accords with the most relevant policies of the Development Plan and the reason for refusal is based on a policy which is not the most relevant, and does not relate to tourism development, or development in the countryside.
4. In addition to conflict with the National Planning Policy Framework (the Framework), the Council's reason for refusal also asserts that the proposal would be contrary to Policy ENV1 of the East Riding of Yorkshire Local Plan Update 2020-2039 (2025), in particular criterion B. 4. which seeks to ensure that development has regard to the amenity of existing or proposed properties. Policy ENV1 is titled '*Integrating high quality design*' and I note that it is listed within the 'Key Policies and Documents' section of the Council's Committee Report.
5. The applicant has provided very limited evidence to demonstrate why this policy is not applicable to all development, including tourism development and / or development in the countryside. I therefore find Policy ENV1 to be relevant to the determination of this appeal proposal and whether it is one of the most important policies is a matter for the decision maker. Consequently, I do not find the Council's decision to refuse planning permission on the grounds that the proposal, in their opinion, conflicts with ERLP Policy ENV1, and the Framework, to be unreasonable.

6. The applicant also asserts that the Council has provided no evidence to demonstrate how the proposal would have an impact on the amenity of residents, and that the reference to 'comings and goings' is ambiguous and unclear.
7. The Council's written evidence, and submissions at the Hearing, confirmed that the term 'comings and goings' refers to vehicular and pedestrian movements. Whilst in my decision letter I have stated that the Council did not specifically demonstrate the harms associated with pedestrian movements to and from the site, I found their submissions and evidence adequately detailed the harms arising from the 'comings and goings' of vehicles.
8. I have, in my decision letter, explained my reasons for ultimately reaching a different conclusion to the Council on the acceptability of the appeal proposal. Nevertheless, having carefully reviewed their appeal submission and heard evidence at the Hearing, I do not consider the issues raised in the reason for refusal to be completely unfounded or without reason.
9. Furthermore, I am aware that the Council's Highway Authority did not object to the appeal proposal on highway grounds. However, the Council's reason for refusal relates to the harm arising from the proposal upon the amenity of nearby residents, rather than any impact on highway safety matters. As such I do not find the Council's reason for refusal conflicts with the Highway Authority's assessment of the proposal.
10. My attention has been drawn to previous decisions at the site. The appellant contends that Members have a history of refusing applications at this site contrary to Officers' recommendations. However, the decision of Members to go against Officers' recommendation is not in itself a justifiable reason for an award of costs as Members are not bound by Officer recommendations.
11. The appellant also contends that the refusal of the appeal proposal goes completely against, and is inconsistent with, previous decisions by the Council and the Planning Inspectorate on the wider site.
12. The previously allowed appeal¹ granted consent for 150no. holiday units and the approved planning application² a further 75no. holiday units, taking the combined total to 225no. units. The appeal proposal seeks to provide a further 12no. units.
13. Given that the appeal proposal would result in a greater quantum of development than that previously approved by the Council and the Planning Inspectorate, I do not find the Council's decision to refuse consent to be 'completely against', or 'inconsistent with', these previous decisions as they are not directly comparable.
14. It is also claimed that Members of Planning Committee did not engage the planning balance in their determination of the proposal. However, there is very little substantive evidence before me to substantiate this claim.
15. On the above basis, I am satisfied that the Council did not act unreasonably in refusing to grant planning permission.

¹ Appeal Decision APP/E2001/W/16/3151708

² Council Ref: 21/00107/PLF

Conclusion

16. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Major

INSPECTOR