

Costs Decision

Site visit made on 12 November 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th November 2025

Costs application relating to Appeal Ref: APP/E2001/C/24/3339783 Land east of Thorntree Lane and south of Ivy Park Road, Goole DN14 6YG

- The application is made by The East Riding of Yorkshire Council under the Town and Country Planning Act 1990, sections 174 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5), for a full award of costs against Surebay Properties Ltd.
 - The appeal was against an enforcement notice alleging “the unauthorised material change of use of agricultural land to a mixed use comprising of agriculture and open air storage, and the laying of hardstanding to facilitate the change of use”.
-

Costs decision

1. The application is refused.

Reasons for the costs decision

2. The Government’s planning practice guidance (“the Guidance”) indicates that the parties to an appeal are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, the party may be subject to an award of costs.
 3. The Council maintain that the appellants acted unreasonably in pursuing an appeal that had no merit nor a reasonable chance of success. They claim that the principal basis of the appeal was contradictory and misleading, and conflicted with what the appellants had relied on in previous dealings with the Council over activities on the land and with information they had submitted in earlier appeals.
 4. In response, the appellants state that they have behaved in a reasonable manner and that they have presented a full and detailed submission which is truthful and stands up to scrutiny on its merits.
 5. The appeal succeeded in part on grounds (b), (f) and (g) and there was some merit in the ground (c) case. I corrected the allegation in the notice by rewording part of it and deleting another part of it where the Council’s evidence was inconsistent. I made alterations to the requirements of the notice, including the deletion of two of the requirements and I extended the compliance period. In all the circumstances, I do not consider that the Council have an arguable case that the appellants have acted unreasonably.
-

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and that an award of costs is not justified.

D.A.Hainsworth

INSPECTOR