
Costs Decision

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9 FEBRUARY 2026

**Costs application in relation to Appeal Ref: APP/E2001/X/25/3371626
Marton Grange Country House, Flamborough Road, Sewerby, BRIDLINGTON,
East Riding of Yorkshire, YO15 1DU**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Marton Grange Country House Ltd for a full award of costs against East Riding of Yorkshire Council.
 - The appeal was against the refusal of the Council to a certificate of lawful use or development for use of land for siting and use of caravan as ancillary accommodation and storage of touring caravan.
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Decision

1. The application for an award of costs is refused.

Submission for applicant

2. The costs application was made orally and submitted in writing at the hearing.
3. The applicant states that the Council's behaviour was unreasonable because they failed to engage with the correct legal basis and required proof of physical presence of the caravans for over 10 years. They also gave no evidence to back up the assertion that the caravan area was physically and functionally separate from the rest of the site and failed to properly consider the evidence provided regarding the mixed use of the site, or to apply the relevant caselaw.
4. These unreasonable behaviours by the Council led to the appeal and caused unnecessary expense to the appellant.

Response by Council

5. The response by the Council was made in writing after the close of the hearing.
6. The Council disputes that they acted unreasonably at the appeal stage, or that the LDC application should have been approved.
7. The application form had the box ticked which says that the use occurred for more than 10 years, and it was described by the applicant at that stage as the continued siting and use of a caravan. It was therefore reasonable for the Council to assess whether the caravan had been sited and used on the Land for 10 years.
8. The Council should not be reasonably expected to deal with legal points which have not been raised in the application. The applicant sought to prove an ancillary use and did not allege a composite use until after their Statement of Case had been submitted. The Council has not engaged in procedural or substantive unreasonable conduct.

Reasons

9. 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.
10. Notwithstanding the substantive decision in this case, the applicant's final position had evolved from that which appeared in the original application, and the description of the development referred to an ancillary residential use.
11. The purpose of the LDC provisions are to enable the making of an objective decision based on the best facts and evidence available when the decision is taken. LDC appeals are treated as de novo appeals, and it is the Council's decision, and not the reasons for that decision, which is being appealed. Had the appeal been dealt with on a technicality regarding the use of the word "ancillary" in the description of the use sought, it would have been open to the appellants to immediately submit a new LDC application regarding the composite use.
12. The applicants in this case were trying to ascertain whether it was lawful for their parents to live in the caravan situated on the appeal site, and to store the second caravan. The precise wording describing the activity needed to be amended to remove the word "ancillary" within the LDC. However, both parties had had the opportunity to explain their views regarding the use of the site through their submissions and during the hearing when it was discussed in detail.
13. I do not find that the Council's behaviour was unreasonable given the way in which the case was initially put. The decision regarding whether there was a mixed use on the site, or primary guesthouse use with ancillary residential, was a matter of fact and degree and the Council were not unreasonable in their view, or in arguing it during the appeal.

Conclusion

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

Zoë Frank

INSPECTOR