



Costs Decision

Site visit made on 29 September 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2026

Costs application in relation to Appeal Ref: APP/E2001/C/25/3366391

Land at 100 Spellowgate, Driffield, East Riding of Yorkshire YO25 5UP

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Kiddy for a full award of costs against East Riding of Yorkshire Council.
 - The appeal was against an enforcement notice alleging the material change of use of land and buildings from a nil use to a mixed use for residential use and storage and distribution, including the provision for self store for members of the public.
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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 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 claims that the Council have acted unreasonably due to misinformation detailed within section 4 of the enforcement notice. The appellant raises matters including lack of evidence regarding the alleged residential use, the number of shipping containers, the alleged self storage use, increase in movements to and from the site, and parking issues.
4. The Council have provided evidence in their statement of case which expands on the reasoning detailed in section 4 of the notice which includes photographic evidence. As can be seen from my Decision, the notice has been found to be invalid and quashed, therefore grounds (a), (b) and (f) were not required to be considered. Given the Council had provided additional evidence in their statement of case with specific reference to the appealed grounds, I do not consider they have failed to produce evidence to substantiate their reasons for issuing the notice. The Council have not acted unreasonably in this regard.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Chris Baxter

INSPECTOR