



**Application for an award of appeal costs**

You can use this form as a template if you wish to apply for costs in: -

- a written appeal
- an appeal going to a hearing or inquiry, but you wish to give advance notice of an application for costs
- an appeal which is withdrawn (or where the enforcement notice is withdrawn).

Notes to help you are in part D

**A. Information about the claimant**

Full name: ...**North York Moors National Park Authority**.....

Address: .....The Old Vicarage, Bondgate, Helmsley, York, North Yorkshire

.....

Postcode: ...YO62 5BP..... Your reference: NYM/2022/0353.....

Daytime telephone No: 01439772700..... Fax no: .....

Email address: .....planning@northyorkmoors.org.uk.....

Status (Appellant/Local Planning Authority/Interested Party):

.....Local Planning Authority

Agent's Name (if applicable): .....Norman Barker.....

Agent's Address: .....21 Lowdale Lane, Sleights, Whitby, North Yorkshire

Postcode: ...YO22 5BU..... Reference: .....

Daytime telephone No: ..... Fax no: .....

Email address: .....rae1611@hotmail.com .....

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Date Received (Official use)

**B. Information about the party being claimed against**

Full name: ... Rachel Barker .....

Address: .....21 Lowdale Lane, Sleights, Whitby, North Yorkshire

.....

Postcode: ...YO22 5BU.....

Status (Appellant/Local Planning Authority/Interested Party):

.....Appellant.....

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**C. Information about the appeal**

Planning Inspectorate appeal reference number APP/W9500/W/22/3305049

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(Please quote all appeal reference numbers if the costs application relates to more than one appeal)

Name of Local Planning Authority: North York Moors National Park Authority.....

Description of the development: ... use of land for the siting of five shepherds huts for holiday letting purposes, removal of field shelter and construction of managers dwelling, use of field store to provide bike and waste storage facilities and associated access, parking, linkage paths, landscaping and drainage works (revised scheme following refusal of NYM/2021/0970/FL)

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Address of the site: ... land off Raikes Lane, Sneatonthorpe, Sneaton

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## **D. Notes for guidance on your costs application – please read before going ahead**

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

- the person applying was put to unnecessary or wasted expense in the appeal
- because of the unreasonable behaviour of the other party.

**An award can only be made if both these tests are met.**

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

Before going ahead with an application, your attention is drawn to The National Planning Practice Guidance web-based resource, which contains advice on the award of costs, in the Appeals section.

While there is no formal procedure or application form for making an application for costs you can use the template (below) to make an application for costs in writing.

The decision on your application will not go into the actual amount of costs involved – only the principle and, if an award is made, what the award is broadly for. So there is no need to state the actual amounts you are seeking. If an award is made, the parties will need to settle the amounts involved between them by negotiation; or, if that fails, by applying to the Senior Courts Costs Office for an independent decision on the matter.

When using the costs application form, to give advance notice of a costs application in a hearing or inquiry case, please send a copy of your completed application to the other party.

**Please also note there are time limits for making a costs Application** depending on the procedure for deciding the appeal. The Award of Costs Guidance provides relevant information.

## **E. Your costs application**

Please state whether you are applying for a full or partial award of costs and what you think is:

- the unreasonable behavior which has caused you unnecessary or wasted expense in the appeal

The National Park Authority is applying for full costs on the basis that this appeal should not have been submitted as the proposal seeks permission for new residential and tourism development in the open countryside, in a nationally protected landscape.

The appeal relates to a development which is clearly contrary to National Planning Policies which state that adopted and up-to-date development plans should be the primary determining factor when assessing planning applications. This proposal is very clearly completely contrary to Policies contained within the North York Moors Local Plan, adopted in July 2020.

The Appellant was aware of this as they had been provided with professional pre-application advice by the Local Planning Authority and had an earlier similar application refused.

- your unnecessary or wasted expense in the appeal (not the amount, but the kind of expense)

Professional officer time and associated administration time in completing appeal questionnaire, preparing appeal statement, and compiling all associated documents.

**Please sign below**

I understand that:

(a) use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs;

(b) the costs decision resulting from processing my application will be published on the Planning Portal and will include relevant names but not addresses.

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that details are correct to the best of my knowledge. (Please note: signature is not necessary for electronic submissions)

Signature .....*H.Saunders*.....

On behalf of .....North York Moors National Park Authority.....

Name (in capitals) .....HILARY SAUNDERS.....

Date .....22 November 2022.....

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our privacy notice.

See the link to the following page on GOV.UK

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices>

**Please note exceptions below but otherwise send this form and any supporting documents to:**

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

For the attention of your appeal case officer

Or e-mail it to the email address as shown on the letter(s) you have received from your appeal case officer.

**Exceptions - please note:**

**(1) Householder Appeals Service (HAS) & Commercial Appeals Service (CAS)**

Please ensure your costs application – if you wish to make one - is with your appeal form when submitting a HAS or CAS appeal. If you are submitting your costs application via the Planning Casework Service on the Planning Portal please attach it to the grounds of appeal as a separate document

If using the postal service please send your completed HAS/CAS appeal form along with your costs application to the address quoted on the appeal form.

**(2) Tree Preservation Order (TPO) appeals**

In the case of a written TPO appeal any application for costs should normally be made at the same time as the appeal. E-mail to: [environment.appeals@pins.gsi.gov.uk](mailto:environment.appeals@pins.gsi.gov.uk) or send the form to:

The Planning Inspectorate  
For the attention of the Environment Team  
Room 3/25  
Hawk Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN