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Inspectorate

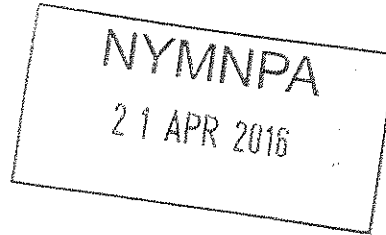
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North York Moors National Park Authority
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YO62 5BP

Your Ref:
Our Ref: APP/W9500/W/16/3144478

21 April 2016



Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr R Walker
Site Address: South Moor Farm, Langdale End, SCARBOROUGH, YO13 0LW

I enclose a copy of correspondence from Mr R Walker applying for an award of costs against you.

If you wish to respond please do so, separately from other submissions, within 7 days from the date of this letter.

Any response you make will be passed to Mr R Walker for comment.

Yours faithfully,

Fran Littler
Fran Littler

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

NYMNP

21 APR 2016

COSTS APPLICATION – APP/W9500/W/16/3144478
SOUTH MOOR FARM, LANGDALE END, SCARBOROUGH, YO13 0LW

This is an application for full costs.

The Planning Policy Guidance details circumstances when costs can be awarded in Paragraphs 030 – 032 as follows:-

"Costs may be awarded where:

- * *A party has behaved unreasonably; and*
- * *The unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.*

The work "unreasonable is used in its ordinary meaning, as established by the Courts in Manchester City Council c SSE & Mercury Communications Ltd [1988] JPL 774.

Unreasonable behaviour in the context of an award of costs may be either:

- * *procedural – relating to the process; or*
- * *substantive – relating to the issues arising from the merits of the appeal.*

The Inspector has discretion when deciding an award, enabling extenuating circumstances to be taken into account.

An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. This could be the expense of the entire appeal or other proceeding or only for part of the process.

Costs may include, or example, the time spent by appellants and their representatives, or by local authority staff, in preparing for an appeal and attending the appeal event, including the use of consultants to provide detailed technical advice, and expert and other witnesses.

Costs applications may relate to events before the appeal or other proceeding was brought, but costs that are unrelated to the appeal or other proceeding are ineligible. Awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission."

The Case

This appeal is against the re-application of NYM/2014/0819/FL, which was dismissed at appeal solely on the grounds that the Inspector considered the proposed storage building to be inappropriate (APP/W9500/A/15/3007950).

Partial costs were awarded to the appellant for three of the four reasons for refusal which had already been the subject of appeal APP/W9500/A/14/2212850 for which the Inspector in that

case had already dismissed, as well as not consulting on a Heritage Statement provided during the application process which the Inspector considered unacceptable.

The application subject to this appeal removed the only contentious issue, i.e. the proposed storage building.

Four of the five reasons for refusal of application NYM/2015/0781/F are the same as those already stated by 2 previous Inspectors as being acceptable.

The fifth new reason for refusal, i.e. visual impact, has no substance. The farm can operate as an airfield for 28 days per year as per the General Permitted Development Order with potentially many more than 10 aircraft visiting the site on any particular day and the Local Planning Authority would have no control over this.

Therefore the appellants have incurred unnecessary costs for submission of an appeal where the reasons for refusal are not reasonable taking into account two previous Inspector's findings and amendments to the application.

It is considered that the Local Planning Authority are deliberately blocking what is in effect a simple application which 2 Planning Inspectors have found to be acceptable.

Full costs are therefore claimed on the substantive issue i.e. the merits of the case are such that the reasons are unjustified based on the evidence.

NYMNP
21 APR 2016