



The Planning  
Inspectorate

Costs

3/06  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

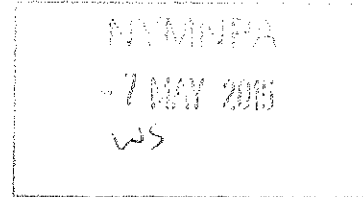
Direct Line: 0303 444 5426  
Customer Services:

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

North York Moors National Park Authority  
Development Control Support Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Your Ref:  
Our Ref: APP/W9500/W/15/3007950

07 May 2015



Dear Sir/Madam,

**Town and Country Planning Act 1990**

**Appeal by Mr R Walker**

**Site Address: South Moor Farm, Langdale End, SCARBOROUGH, North Yorkshire,  
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, ensuring that you forward 2 copies within 7 days from the date of this letter.

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

Yours faithfully,

*Chris Nash*

Chris Nash

*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](http://www.planningportal.gov.uk/planning/appeals/online/search)*

NYMNPA  
- 7 MAY 2015

**COSTS APPLICATION – APP/W9500/W/15/3007950  
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/2013/0435/FL, which was dismissed at appeal solely on the grounds that the Inspector considered the proposed storage building to be inappropriate (APP/W9500/A/14/2212850).

The Inspector concluded that there would be no noise or ecology issues from the proposed development after careful consideration of the evidence and a watching brief condition could

be attached to any permission, however taking these issues into account they could not outweigh his concerns on the building being inappropriate.

A screening process was also sought with the original planning appeal as to whether the development could require an Environmental Impact Assessment. It was concluded that this was not necessary as the development would not be likely to have significant effect on the environment.

Before re-applying the appellant sought advice from the Local Authority regarding the proposed storage building, which was the only issue as concluded by the Inspector. The proposed building is now a traditional lambing shed similar to one illustrated in the North York Moors Planning Guide, which could be used for agriculture in the future.

The Local Authority refused the second submission with 2 reasons for refusal being identical to the first refusal notice, thus ignoring what the Inspector concluded in the subsequent appeal and the evidence.

With regard to the proposed new building The Local Authority state that this would effectively double the bulk of the existing agricultural buildings at the site, which themselves are visually remote.

Agricultural buildings by their very nature are remote. The proposed building is modest in size, being only 175 m<sup>2</sup>. An agricultural building of up to 465 m<sup>2</sup> is considered permitted development and would be allowed on the site for an agricultural trade or business.

In respect of the Heritage Assets, the Local Authority contradict the Heritage Assessment submitted which concluded that there would be no impact on the significant and setting of scheduled monuments.

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

RECEIVED  
- 1 MAY 2015