



Costs Decision

Site visit made on 15 May 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Costs application in relation to Appeal A Ref: APP/W9500/W/25/3360062

St Aidans, Carlton Road, Helmsley, North Yorkshire YO62 5HQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mike Stainsby of Rock Hopper Rentals for a full award of costs against North York Moors National Park Authority.
 - The appeal was against the refusal of planning permission for creation of single parking bay with electric re-charging point and re-cladding of modern extension in vertical, timber boarding.
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Costs application in relation to Appeal B Ref: APP/W9500/Y/25/3360276

St Aidans, Carlton Road, Carlton Road, North Yorkshire YO62 5HQ

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mike Stainsby of Rock Hopper Rentals for a full award of costs against North York Moors National Park Authority.
 - The appeal was against the refusal of listed building consent for creation of single parking bay with electric re-charging point and re-cladding of modern extension in vertical, timber boarding.
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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 (PPG) 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. In this case, the applicant is seeking a full award of costs on grounds that the Council behaved unreasonably in the processing of the planning application, including that Members were ill-informed to make the decision and that officers failed to adequately understand and assess the proposal, including with reference to the heritage asset and highway safety concerns.
4. The supporting documents were available to Members in advance of the planning committee meeting, including the heritage impact assessment, Historic England consultation response and the officer's report. Members would therefore have been aware of the reasons for the designation of the listed building and the concerns in relation to impacts. There is little compelling evidence before me that, in reaching their decision, Members did not understand the issues.
5. The Council acknowledges that the officer report erroneously referred to a 30mph speed limit, but this was corrected in the update sheet in advance of the planning committee meeting. There is little evidence that this was anything more than a

typographical error and I am satisfied, having reviewed the parties' evidence, that it does not demonstrate a lack of understanding on the part of the Council.

6. The applicant considers that the Council should have made a better case to the Members on his behalf, in terms of highway issues. However, the applicant's case, which officers disagreed with, was set out in supporting documents that were available to Members. He considers the Council should have presented additional information, such as photographs or video evidence of traffic negotiating nearby farm entrances or vehicles travelling at 60mph past cars parked on the roadside. However, the Council did not witness parked cars or any such vehicular activity. Moreover, the applicant was aware that he could provide further information for members prior to the planning committee. In this regard, the roughly 2 week notice period of the date of the meeting coincided with peak harvest time, such as would likely have been a busy period with frequent movements of large agricultural vehicles and machinery including negotiating nearby farm entrances.
7. The Council did not inspect the interior of the appeal building nor other churches designed by the same architect. This is because the proposal relates to the exterior of the building, its curtilage and setting. It was not unreasonable of the Council to focus on the parts of the building and its setting that would be affected by the proposal. The heritage impact assessment includes photographs of the interiors, and the listing description refers to the interior and fittings including boarded wagon ceiling, parquet floor, timber stone topped altar and chancel screen, painted cupboards and pine pews. Therefore, insofar as relevant, the Council would have been aware of the internal timberwork without entering the building.
8. The Council did consider the public benefits of the proposal in making its decision. While the applicant considers the benefits outweigh the harm, the Council was entitled to reach its own conclusions as to the weight that should be afforded to any benefits in the planning balance. As can be seen from my appeal decision, I also found harm to the heritage asset that was not outweighed by benefits, and I dismissed the appeal accordingly. The Council did not behave unreasonably by disagreeing with the applicants' assessment.
9. I note the suggestion that Council's chief planning officer unduly influenced the Council's decision, including by using strong and emotive language. However, officers were entitled to make a robust case to support the recommendation for refusal. Irrespective that some members might initially have appeared sympathetic to the scheme, there is little compelling evidence they were coerced and did not reach their own decision based on the available evidence, taking into account the development plan, national policy and material considerations. Members were entitled to consider the matter and accept the officer recommendation.
10. While the reasons for refusal might not reflect the members' discussion about the existing metal cladding, the recommendation to refuse and the associated reason for refusal were included in the committee report and the members voted to accept it without modification.
11. The applicant disagrees with the Council's decision and exercised his right to appeal and thereby test the reasons for refusal. In exercising this right, he has incurred costs in the appeal process as a result of employing consultants and gathering additional information. However, as noted above, there is an expectation

that the parties meet their own appeal expenses. Applicants will be aware that there is no automatic right to have their expenses covered by the other party.

12. Having reviewed the evidence, I am satisfied that the Council did not make vague, generalised or inaccurate assertions about the proposal's impacts. Moreover, as the appeal could not have been avoided, the Council did not prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

Conclusion

13. Therefore, I find that, with reference to the PPG, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. For this reason, an award of costs is not justified.

S Manchester

INSPECTOR