
Costs Decision

Hearing held on 15 July 2025

Site visit made on 15 July 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2025

Costs application in relation to Appeal Ref: APP/U2750/W/25/3362561

Land to the south of Riccal Drive, Helmsley, York YO62 5FF

- 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 Northminster Land Ltd for a full award of costs against North Yorkshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for Hybrid Planning Application comprising: 1) Outline planning application for residential planning permission for up to 50 dwellings with associated open space, all matters reserved; 2) Outline planning application for mixed use development for commercial, industrial and storage uses, all matters reserved. Total area 3.12ha.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Preliminary Matter

2. The costs application was made orally at the hearing. The application is transcribed in Appendix 1 at the end of this decision along with the response to it and the final comments made by the applicant.

Reasons

3. 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.
4. An outline application with all matters reserved is one of the most straightforward types of planning application that legislation allows for, as the matters of access, layout, appearance, scale and landscaping are reserved for later consideration. Furthermore, the appeal site consists solely of land which is allocated for development in the adopted development plan. The combination of the application type and the allocations means that there was only limited detail for the respondent to consider in making their determination. There was nothing unusual or complex in the matters that fell to be considered, and the allocations gave a clear steer that the type of developments proposed should be considered to be acceptable in principle and thus be permitted.
5. In those circumstances it is not tenable for the application to have remained undetermined over two years after it was accepted as being valid. Nor is it reasonable that the applicant had to proceed with an appeal against non-

determination to obtain a decision at that point. There is clear evidence in the applicant's appeal submissions that they tried to progress the application but, in any event, the respondent should have progressed the determination of the application expediently and far more quickly than transpired. That they did not do so represents unreasonable behaviour on procedural grounds and has led to wasted expense in terms of the applicant having to utilise the appeals process to receive a decision.

6. The respondent's decision to advise that they would have refused planning permission on highway safety grounds if they had determined the application meant that they needed to defend their position at the hearing. This course of action was taken contrary to the advice of their Planning Officers and with there being no objection from the Highway Authority. Their own Road Safety Audit, which in itself was submitted unreasonably late into the appeal process and only a few working days before the hearing, did not support their position on highway safety grounds. Unsurprisingly, a highway safety reason for refusal was not ultimately defensible in the face of an overwhelming body of evidence demonstrating that there would be no harm. As a whole this means that the respondent acted unreasonably and delayed a development which should clearly be permitted, having regard to its accordance with the development plan
7. For the reasons given above, unreasonable behaviour resulting in unnecessary and wasted expense has occurred on both procedural and substantive grounds. A full award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Yorkshire Council shall pay to Northminster Land Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to North Yorkshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graham Wraight

INSPECTOR

Appendix 1

Appellant's costs application

10. In terms of a background to the application there were substantial delays responding to information which led to substantial delays. This has led to substantial costs, legal agreement and consultants. These pre-date the road safety audit. The road safety audit was submitted way beyond the deadline which led to extra consultants being needed and had to go to additional expense because the deadline was missed. Have an allocated site with no highway objection and it is adopted highway. Not based on reports but Member's own opinions. Have had to spend time to deal with the matter when we thought it was not a matter. Failure to co-operate, missing of deadlines. Seek full costs, Officer recommendation was that permission would have been granted. Have been trying to discuss planning conditions.

Council's response

11. Application took some considerable time. Taking it backwards, there was a committee resolution to refuse, considered necessary to seek third party advice, took as long as it did, lack of agreement between parties, would have been a worse scenario than having no evidence. With regard to background, delays to consultee responses, would not be in a position to come back on that in fifteen minutes, would need to interrogate the position in terms of providing a rebuttal.

Appellant's final comment

12. Application timeline is set out in the Statement of Case.