

Costs Decision

Site visit made on 4 August 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Costs application in relation to Appeal Ref: APP/U2750/W/25/3365904

Pott Bridge Farm, Pot Bridge Farm to Throstle Nest Farm, Beckwithshaw, North Yorkshire HG3 1SF

- 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 Alex Wytchard for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for under section 73 of the Town and Country Planning Act 1990 for the development on land without complying with a condition subject to which a previous planning permission Ref 18/03430/FUL, dated 13 December 2018.
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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. The applicant contends that the Council acted unreasonably in failing to request a change to the description of development. I acknowledge that the description of development was altered between the Council's letter requesting further information¹ and the letter acknowledging receipt of the planning application and payment². Notwithstanding this, the latter letter clearly states that if the applicant does not agree with this summary, they should contact the Council. Given that the applicant had an opportunity to correct the Council, I do not find the change of description to be unreasonable.
4. The applicant also contends that the Council acted unreasonably by referring to the whole of the Classes. I have found that condition 6 specifically states it relates to extensions, garages, roof or dormer windows and, as such, it relates to part of Classes A, B, C and E and not the whole of Part 2 of The Town and Country Planning (General Permitted Development) Order (the GPDO).
5. The applicant states that the Council has failed to have due regard to the PPG Use of Planning Conditions (Paragraph 17) in that permitted development rights (PD) should only be removed by condition in *exceptional circumstances* (my emphasis). However, this term is no longer the case in the current version³. Nevertheless, it will be seen from my decision letter that I have found the removal of certain PD rights served a clear planning purpose and, as such, met the required tests set out in the

¹ Dated 27 January 2025

² Dated 30 January 2025

³ Revision date 23 07 2019

National Planning Policy Framework. I am therefore satisfied that the Council did not act unreasonably in reaching its decision overall.

6. From observations on site, I have found that it was unnecessary to restrict windows in all elevations, and this in itself is unreasonable. However, from the evidence before me the condition was attached to protect the visual amenities of the surrounding area, given the prominence of the site. I have found that additional windows to the north elevation of Barn 4 would likely harm living conditions for occupants of Barn 3 and, as such, this restriction serves the purpose for which it was intended and was therefore reasonable.
7. Furthermore, whether or not structures or buildings can be built within 0.5m of the dwelling house, or the appeal site retaining PD rights with regard to Use Classes D, F and G, has not caused the applicant to incur unnecessary or wasted expense in the appeal process.
8. It will be seen from my decision that the Council had legitimate planning reasons to refuse the planning application. Having had the application refused, the applicant exercised his right of appeal. This, therefore, does not indicate unreasonable behaviour.
9. For an award of costs to be made, the unreasonable behaviour on the part of the Council must have caused the applicant to incur unnecessary or wasted expense in the appeal process. However, given my overall findings, and having regard to the site circumstances of the case, I do not consider that the unreasonable behaviour of the Council has led to unnecessary expense.
10. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. Therefore, an award for full costs is not warranted.
11. As the application for a full award of costs has not succeeded based on the above conclusions, I have considered whether a partial award is justified. However, I have not identified wholly unreasonable behaviour by the Council in respect of any particular aspect. Therefore, I conclude that a partial award of costs is not justified.

L Clark

INSPECTOR