



Costs Decision

Hearing held on 5 August 2025

Site visit made on 5 August 2025

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Costs application in relation to Appeal A Ref: APP/U2750/C/25/3365114 and Appeal B Ref: APP/U2750/W/25/3365116

The Oaks Stables, Forest Moor Road, Knaresborough, HG5 8LT

- The application is made under the Town and Country Planning Act 1990, sections 78, 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Caleb Howard for a full award of costs against North Yorkshire Council.
 - Appeal A was against an enforcement notice alleging Without planning permission, the material change of use of the Land to a Gypsy and Traveller site, including the stationing of caravans for residential use, creation of hardstanding, and residential paraphernalia associated with the residential use. Along with the erection of a single storey building (stable/amenity use) and associated hardstanding without the benefit of planning permission.
 - Appeal B was against a refusal to grant planning permission for Change of use of land to be used as a gypsy-traveller site with pitches for 2 No touring caravans (retrospective).
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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 appellant's case is that in dealing with the planning application, the Council misled themselves by failing to consider the extant permission for the stable block, because they failed to consider established case law regarding how planning permissions may be lost¹. Had they done so they would have been compelled to consider the relevance of paragraph 154(g) of the National Planning Policy Framework (the Framework)². The appeal has wholly arisen because of the Council's assumption that the existing building is unlawful.
4. I concur with the Council that the *Pioneer Aggregates* case law is concerned with abandonment of a planning permission rather than lawful implementation. Whether a development has been lawfully implemented is a matter of judgment. It was open to the Council, as a matter of fact and degree, to reach the view that the planning

¹ *Pioneer Aggregates (UK) Ltd v SSE [1984] JPL 651*.

² This sets out that one of the exceptions to finding development in the Green Belt inappropriate is limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

permission for the stable block had not been lawfully implemented, and the related planning permission was no longer extant. This remains the case despite the Council's position appearing to alter, regarding whether the approved development had been lawfully begun³.

5. My main decision sets out how I reached the same view as the Council, that the building amounted to development without planning permission, despite disagreeing with the Council over whether that development had been lawfully begun. It was nevertheless open to the Council to reach the view that they did. That the appellant disagrees with that view is noted, however the Council's position falls nowhere near the threshold for unreasonable behaviour.
6. Furthermore, even if the Council had found the existing building to have been lawful, and therefore the land to have been 'previously developed', there is no certainty it would have then granted planning permission for the proposed development, following an assessment under paragraph 154(g) of the Framework. This is because it could potentially still have found substantial harm to the openness of the Green Belt, as a matter of judgment.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Merrett

INSPECTOR

³ When comparing the Council's representations at the Hearing and within its statement of case (paragraph 6.100).