



Costs Decision

Hearing held on 4 September 2025

Site visit made on 4 September 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 20th October 2025

Costs application in relation to Appeal Ref: APP/U2750/W/25/3368297

Land North of Prospect Farm, Sherburn in Elmet, Selby LS25 6FR

- 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 Redrow Homes (Yorkshire) Ltd and Persimmon Homes (Yorkshire) Ltd for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for 106 residential dwellings and associated works.
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Decision

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

The submissions for Redrow Homes (Yorkshire) Ltd and Persimmon Homes (Yorkshire) Ltd

2. The costs application was submitted in writing. The following additional points were made orally:
 - Overarching point is that the Council has not substantiated its reasons for refusal. The Hearing Statement and oral evidence has done nothing to fill the gaps. No objective or technical evidence has been provided to support the reasons for refusal.
 - It is not appropriate to point to interested parties; their concerns do not amount to a reason for refusal. Refusal of planning permission should not be seen as a gateway for interested parties to have a discussion in front of an Inspector.
 - When specifically asked by the Inspector do they have any further comments, the Council responded, “nothing further to add”.
 - Only Section 5 of the rebuttal attempts to deal with the substance of the application for costs.
 - Within its rebuttal the Council accept the burden is on them to make their own case.
 - In relation to paragraph 5.2 of the Council’s Rebuttal, it is accepted that officers worked with the appellants to resolve issues, there is no claim that the officers delayed determination.
 - Within paragraph 4.6 of the Rebuttal the Council set out the member’s position, this is not the same as substantiating it. The claim that they have expanded on it is misconceived. The Council has sought to defend the reasons for refusal but not substantiated them.
 - The Council infer there has been no wasted expense.

The response by North Yorkshire Council

3. The response was made in writing. The following additional points were made orally:

- The Council worked with the applicants to produce a reasonable scheme.
- Officers have put together a robust response.
- The Local Highway Authority do not object
- Genuine concerns were put forward by the committee members.

Reasons

4. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG)¹ 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.
5. It is entirely legitimate for Elected Council Members to make a decision which is contrary to the recommendation of the Council's officers. The PPG² advises that members must only take into account material planning considerations when determining an application and that local opposition is not in itself a ground for refusing planning permission, unless it is founded upon valid material planning reasons. In this instance Members have decided to refuse planning permission for two reasons, both of which relate to highway safety. This is despite there being no objection from the Local Highway Authority.
6. Moreover, independently assessed Road Safety Audits concluded that the proposed accesses were safe subject to improvements, which the applicants have agreed to. Neither when making their decision, nor when defending the appeal has the Council explained why the technical advice was not material or should be discounted. Instead, the Council has provided vague and generalised assertions about the effect of the proposal without their own substantive technical evidence.
7. It is not disputed that the Council's officers worked proactively with the applicants to resolve any concerns during the determination of the planning application. But this does not address the fact that planning permission was refused for unsubstantiated reasons on highway safety. Therefore, this would amount to unreasonable behaviour by the Council as the appellant has committed resources to ensuring that the proposal would be acceptable and as set out in the formal decision there would be no harm to highway safety.
8. Ultimately, the Council has prevented development which should have clearly been permitted, having regard to the development plan, national policy, and material considerations; failed to substantiate the reasons for refusal; and made vague and generalise assertions about a proposal's impact, which are unsupported by any objective analysis. These are all examples of unreasonable behaviour which may give rise to a substantive award against a local planning authority within the PPG³.
9. In conclusion, the applicants have incurred an unnecessary expense, in preparing and submitting the appeal, as a direct result of the Council's unreasonable behaviour. Therefore, a full award of costs is justified and should be granted.

¹ Planning Practice Guidance, Appeals, Paragraph: 028 Reference ID: 16-028-20140306

² Planning Practice Guidance, Determining a planning application, Paragraph: 016, Reference ID: 21b-016-20140306

³ Planning Practice Guidance, Appeals, Paragraph: 049 Reference ID: 16-049-20140306

Costs Order

10. 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 Redrow Homes (Yorkshire) Ltd and Persimmon Homes (Yorkshire) 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.

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.

J Hobbs

INSPECTOR