



Costs Decision

Site visit made on 30 September 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Costs application in relation to Appeal Ref: APP/W9500/W/25/3368433 East and West Cottages, Main Street, Hutton Buscel, Scarborough, North Yorkshire YO13 9LL

- 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 R and N Guthrie for a partial award of costs against North York Moors National Park Authority.
 - The appeal was against the refusal of planning permission for the installation of replacement metal double glazed windows.
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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 is seeking a partial award of costs on procedural grounds and contends that the Authority acted unreasonably by failing to adhere to deadlines and introducing new evidence during the appeal.
4. The Authority have explained that an administrative error led to the delay in providing the applicant with a copy of the appeal questionnaire and supporting documents which were incorrectly sent to the agent at the time of the application rather than the new agents dealing with the appeal. As soon as the Authority were made aware of the error, the documents were sent to the applicant. While regrettable, the Authority's explanation for the delay seems rational and, in any event, it has not been clearly articulated that the error directly caused the applicant unnecessary or wasted expense as advised in the PPG¹.
5. It is alleged that by referring to the appeal properties as non-designated heritage assets (NDHAs) in their appeal submissions the Authority sought to introduce new evidence to alter the description of the appeal site between the application and appeal stage. However, while the NDHA terminology was not specifically used at the application stage, it was clear from the Authority's officer report and the reason for refusal that it was their view that the appeal properties have historic, cultural and architectural features of value that positively contribute to the historic environment of the Hutton Buscle Conservation Area (HBCA). Besides, the Authority's reference

¹ Paragraph: 030 Reference ID: 16-030-20140306

to the appeal properties being NDHAs was in response to the applicant's statement of case and their view the properties were not NDHAs.

6. No further detailed evidence was provided by the Authority in their appeal submissions to explain the heritage significance of the properties in their local context as NDHAs. On this basis, they did not seek to inflate the heritage significance of the appeal properties. Furthermore, and notwithstanding that I came to a different view in my decision, the Authority did not rely on the status of the appeal properties as NDHAs in refusing the scheme. The appeal could not have been avoided as the reason for refusal also refers to harm to the HBCA, a designated heritage asset. It therefore follows that irrespective of the terminology attributed to the appeal properties the scheme would have been refused, and an appeal would still likely have been the outcome.

Conclusion

7. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F Harrison

INSPECTOR