Planning Inspectorate

Costs Decision

Site visit made on 22 September 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Costs application in relation to Appeal Ref: APP/U2750/W/25/3363986
Agricultural Building (Barn 4), Partridge Hill, Oxmoor Lane, Church Fenton, Selby LS24 9RW.

- 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 Juniper House Investments Ltd for a full award of costs against North Yorkshire Council.
- The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of an agricultural building (Barn 4) to 2no. smaller dwellings (<100m2) (Use Class C3) with associated operational development.

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 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. I acknowledge that both the necessity to appropriately handle asbestos contamination within a previous roof structure and the timing of the Covid-19 lockdowns led to a set of circumstances within which a previous proposal was not completed within the required timeframe, and the appeal building was left without a roof structure, and for reasons not entirely within the applicant's control. This was unfortunate.

4. However, as I have set out in the appeal decision, both the Council and I were required to consider the proposal in the context of the building as it exists, not as it once did, whether that be in 2019 or at any other time. The reasons for the removal of the previous roof and failure to complete a previous prior approval within the required timeframe, as unfortunate as they may be, have no bearing in relation to determining whether or not the proposal now amounts to permitted development.

5. While the relevant regulations may not have changed since the previous granting of prior approval, critically, the building itself had; it is now a roofless structure. This was a relevant factor and a change in circumstance, and the Council did not act unreasonably in assessing the proposal as it did in this respect.

6. In terms of substantiating its reasons for refusal, the Council, in its statement, clearly engaged with the provided updated Method Statement, but remained of the view that the building operations would amount to substantial rebuilding and would go beyond what would be reasonably necessary for conversion.

7. The reasons that the Council considered the extent of the building work to amount to re-building were clear, and included the introduction of a new roof, purlins and uncertainty over floor construction. While the subsequently provided Method Statement may have provided clarification in relation to the matter of the floor, the Council's position in relation to the roof structure remained unchanged. Although I ultimately agreed with the appellant in relation to this issue, the Council's position was not unreasonably taken.

8. It is stated that the appellant has incurred costs in preparing the appeal, however as no unreasonable behaviour has occurred, this work was not unnecessary or wasted.

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR