



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/25/3365123 Oxmoor Barn, Oxmoor Lane, Church Fenton, Tadcaster 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 Mr James Baker for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for single storey extension to northern elevation of existing property, to create two additional bedrooms with en-suite bathrooms, double garage and carport.
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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 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. It is stated that the Council acted unreasonably in declining to accept amended plans during the course of the planning application, that it mis-measured the provided plans, that it misunderstood a previous arrangement of buildings on the site, that it erred in considering that dwellings converted from agricultural buildings under permitted development rights cannot be extended, that its use of volume as means of assessing scale and massing was inappropriate, and that it misapplied policies.
4. It is important that Councils work positively and proactively with applicants. However, it is also the case that they are not obliged to accept or determine amended plans. It is clear that the Council considered the amended plans insofar as it was able to determine that they would not overcome its concerns.
5. In these circumstances, a decision to proceed to determine the application on the basis of the originally submitted plans was not unreasonable given that the acceptance of the amended plans would have possibly required a further consultation exercise, and delayed the decision-making process, with no change to the outcome likely in any case. The fact that the Council advised the applicant of its position quickly does not, in itself, indicate that insufficient consideration was given to the proposed amendments.
6. In relation to the possible mismeasuring of plans, I acknowledge that there is some difference between the parties in this respect. However, such discrepancies are not, in my experience, uncommon, and can result from a number of factors. In this

- case the main parties' calculations did not vary to such an extent that any differences were unreasonably inexplicable or would clearly have led to another outcome where the appeal would have been avoided. No unnecessary costs have therefore been incurred in relation to this.
7. There is no indication that the Council wilfully misunderstood a previous arrangement of buildings on at the appeal site. The evidence provided with the appeal amounted to a few photographs and contained limited detail in this respect. It is apparent that a number of buildings have been removed at the site over the years, although it is not wholly clear when. Given the current appearance of the appeal site and its surroundings, and the limited information available with respect to the previously removed buildings, the Council's consideration of the proposal in this regard did not amount to unreasonable behaviour.
 8. The Council's evidence does not indicate that it has imposed any sort of embargo on extensions to dwellings resulting from the conversion of former agricultural buildings. While it appears to acknowledge that extensions to such dwellings can often present design challenges, there is no indication within the evidence that it did not consider the proposal on its merits and in the context of adopted policy. It is notable that in one email to the applicant, that the Council's officer, while raising concerns in the relation to the proposal, was evidently nevertheless openminded to the prospect of the modest extensions to such dwellings. I cannot agree that the Council acted unreasonably in this respect.
 9. As set out in the appeal decision, I consider the Council's use of external volume as a metric for considering scale and bulk an entirely reasonable one. Although also used in relation to development within the Green Belt, it is not restricted to such an application and is commonly used in a variety of instances. Moreover, Selby District Local Plan Policy H14 makes explicit reference to whether proposed extensions would form disproportionate additions, the consideration of which can be aided by the use of volumetric calculations.
 10. I accept that there is an overlap in terminology between SDLP Policy H14 which relates to all countryside locations, and Green Belt policy which applies more specifically. However, a disproportionate addition to a building is disproportionate whether located in the Green Belt or not. Ultimately, it is a factor to be considered with reference to the host building itself, rather than its location. It therefore also follows that the Council use of a general guideline limit of 50% in this regard was also reasonable. It is clear to me that no unreasonable conflation of policy took place in this regard.
 11. Overall, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR