Planning Inspectorate

Costs Decision

Site visit made on 15 September 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Costs application in relation to Appeal A Ref: APP/ U2750/W/25/3366169
1 Smeaton Manor Stables, Great Smeaton, North Yorkshire DL26 2NF

- 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 Graeme Thompson for a full award of costs against North Yorkshire Council.
- The appeal was against the refusal of the Council to grant planning permission for demolition of rear wall and roof of existing orangery and erection of new lower pitched roof and wall to extend out and create open plan kitchen/dining/family room with outdoor patio seating area and new swimming pool in garden.

Costs application in relation to Appeal B Ref: APP/ U2750/Y/25/3366167
1 Smeaton Manor Stables, Great Smeaton, North Yorkshire DL26 2NF

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
- The application is made by Graeme Thompson for a full award of costs against North Yorkshire Council.
- The appeal was against the refusal of the Council to grant planning permission for demolition of rear wall and roof of existing orangery and erection of new lower pitched roof and wall to extend out and create open plan kitchen/dining/family room with outdoor patio seating area and new swimming pool in garden.

Decision

1. The application for a full 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. Unreasonable behaviour in the context of an application for an award of costs may either be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.

3. The applicant has set out a number of matters that it considers amount to unreasonable behaviour, including that communication from the Council was contradictory and therefore misleading; submitted evidence which identified public benefits was not given weight in the planning balance; the Council failed to engage positively or proactively; and the Conservation Officer did not provide sound reasoning, resulting in the application being refused despite professional arguments put forward. This, they consider, has resulted in unnecessary or wasted expense producing amended plans in which they were advised that the proposal

was likely to be approved and employing consultants to seek a decision and to submit the appeals.

4. I understand that the applications were not determined by the target date, and the applicant and their agent had difficulty contacting the Council to get feedback and information. However, this was during the determination of the applications, not during the appeal process. Moreover, I have found that the proposal would cause harm to the listed building and have dismissed the appeals.

5. In addition, the Conservation Officer's detailed comments show that they understood the proposal, setting out the statutory and policy considerations that needed to be applied. They assessed the heritage significance as set out in Conservation Principles[1] and evaluated the scheme. Whilst they may have agreed with most of the conclusions within the Heritage Impact Assessment, their professional opinion was that the proposal would be harmful and that the public benefits did not outweigh this harm.

6. The public versus private benefits were, therefore, considered by the Council and discussed in the officer report. Whilst this resulted in a different conclusion to the weight given to the public benefits set out by the applicant in their evidence, I do not agree that the Council did not give it any weight. Consequently, I do not consider that this represents unreasonable behaviour.

7. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

M J Francis

INSPECTOR

[1] Policies and Guidance, English Heritage, 2008