



Costs Decision

Site visit made on 13 November 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st December 2025

Costs application in relation to Appeal Ref: APP/U2750/W/25/3371455

Dobsons Yard, Showfield Lane, Malton, North Yorkshire YO17 6BT

- 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 The Original Baker for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for the siting of 6no. refrigerated containers and link structure.
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Decision

1. The application for an award of costs is refused.

Preliminary Matters

2. In the banner heading above, I set out that the costs application is made against North Yorkshire Council. The award of costs is sought against the Council in its capacity as the local planning authority (the LPA), which determined the planning application, and also the local highway authority (the LHA) in its role as a consultee party to the appeal. This costs decision relates to the claims against both authorities.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the 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. I am particularly mindful that the PPG also establishes that, for a costs application to be successful, an applicant will need to *clearly demonstrate* how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. All parties are expected to behave reasonably during the determination of the planning application itself. In this respect, I have noted the content of the email correspondence before me. Altogether this presents to me a picture that the LPA, informed by its correspondence with the LHA, provided the applicant with updates on its consideration of the application as well as affording the applicant some opportunity to submit more information and amend the scheme. In the light of such evidence, I have no reason to conclude that the LPA or the LHA have failed to engage with the applicant or behaved in an uncooperative manner.
5. The starting point of decision-making is the development plan. In refusing the planning application, the LPA identified conflict with the provisions of the development plan. It can be seen from my appeal decision that I have also identified that the proposed development conflicts with the development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that determinations must be made in accordance with the development plan unless material considerations indicate otherwise. Fallback scenarios can constitute such material considerations but the weight, if any, to be attributed to them is a matter for the decision maker's discretion. I have been provided with no clear or compelling evidence which demonstrates to me that either the LPA or the LHA misunderstood the fallback positions submitted by the applicant or that they failed to have proper regard to them.

6. The PPG advises that where a Council has refused a planning application for a proposal that is not in accordance with development plan policy and no material considerations indicate that planning permission should have been granted, there should generally be no grounds for an award of costs for unreasonable refusal of an application.
7. It can be seen from my appeal decision that I conclude that there are no material considerations, including fallback scenarios, which indicate that a determination should be made other than one in accordance with the development plan. The substantive evidence before me indicates to me that the Council came to the same conclusion. I have no good reason to conclude that the Council failed to fairly apportion weight to relevant considerations in coming to its decision, therefore, the Council exercised its Section 38(6) duty in a reasonable way.
8. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Jones

INSPECTOR