



Costs Decision

Site visit made on 30 September 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Costs application in relation to Appeal Ref: APP/U2750/W/25/3370011

Royal Oak, Main Road, Hirst Courtney, Selby YO8 8QT

- 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 T Devanny for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for erection of seven dwelling-houses, access road and associated hardstanding, landscaping and infrastructure.
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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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law.
4. The applicant's costs application is made on substantive grounds only, relating to the Council's assessment of the merits of the proposal, rather than on procedural grounds concerning the handling of the application process.
5. The applicant contends that the Council should have allowed the planning application given the shortfall in its housing land supply, that the Council failed to apply the presumption in favour of sustainable development, and failed to have regard to the extant outline planning permission (local authority ref: 2022/0852/OUT). Furthermore, the applicant asserts that the Council's refusal was based on vague or unsupported claims.
6. It is noted that the applicant refers to the outline planning permission as establishing the principle of residential development on the site. However, while outline consent confirms that development of the type proposed is acceptable in principle, it does not guarantee that a subsequent full or reserved matters application will be acceptable in all respects. The detailed scheme must still be assessed against the relevant policies of the development plan, as well as any other material considerations. In this case, the Council was entitled to consider whether the full application complied with these policies, particularly in relation to

the site's location, layout, and impact on the character and appearance of the area and open countryside.

7. The Council has not responded directly to the application for costs. However, based on the evidence before me the Council's decision was appropriately reasoned and justified. The officer's report and supporting correspondence set out clear concerns relating to the detailed design, layout, and impact of the proposed development on the character and appearance of the area and open countryside. These matters were assessed against relevant local and national planning policies, and the Council explained why, in its view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, as required by the National Planning Policy Framework. The Council was entitled to reach this judgement, and there is no substantive evidence that the presumption in favour of sustainable development was disregarded or unsupported by analysis.
8. The existence of an outline permission did not guarantee approval of the detailed scheme, and the Council was entitled to assess the proposal against the development plan and other material considerations. The Council provided clear, policy-based reasons for refusal, engaged with the appellant throughout the process, and substantiated its concerns with reference to relevant local and national planning policies.
9. Therefore, I do not consider that unreasonable behaviour has been demonstrated within the meaning of the PPG on substantive grounds. It follows that the applicant was not put to unnecessary or wasted expense in testing the Council's judgement at appeal.

Conclusion

10. 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.

C Mayes

INSPECTOR