
Costs Decision

Site visit made on 3 December 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Costs application in relation to Appeal Ref: APP/C2741/W/25/3367529

6 Clifton, York, YO30 6AE

- 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 Mrs Carolyn Jowett for a full award of costs against City of York Council.
 - The appeal was against the refusal of planning permission for Two storey and single storey rear extensions.
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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. Paragraph 49 of the PPG makes clear that local planning authorities are at risk of an award of costs if they prevent or delay development that should clearly be permitted, fail to produce evidence to support each reason for refusal on appeal, make vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, or if they do not review their case promptly following the lodging of an appeal against refusal.
4. Additionally, local planning authorities are required to behave reasonably in relation to procedural matters at the appeal. A lack of co-operation with the other party or parties is an example of unreasonable behaviour set out at paragraph 47 of the PPG which may give rise to a procedural award of costs against a local planning authority.

Failure to respond to the amended plans/additional information

5. The applicant provided amended plans and a heritage statement following objections received from the Council's Conservation Officer and Historic England (HE). The applicant's case for a full award of costs is that the Council issued an unsubstantiated refusal without seeking further advice from its Conservation Officer in light of this new information.
6. However, I would note that a Council is not duty bound to consult its advisors on all amendments to an application nor, indeed, is it required to follow their advice. I would note that it is the Council, as local planning authority, that is the

decisionmaker. Its decision is required to be based on the evidence before it, including the responses of consultees.

7. Having made my own decision on the basis of the amended plans and considered the Council's delegated report as part of my assessment, there is no evidence contained within that report that the Council did not base its decision on the most recent plans. The delegated report also clearly identifies that the consultations responses were on the basis of plans that were subsequently superseded by amended plans. The decision notice itself also sets out that the amendments did not address the Council's concerns.
8. I would further note that the Council did not cite a lack of detail with regard to the significance of the listed building in its reason for refusal or identify such a conflict with the provisions of the Framework or Policy D5 (outlined in the delegated report) of the City of York Local Plan. Given that the lack of this information formed part of the HE objection, this further reassures me that the heritage statement and its content was taken into account as part of the Council's assessment. I therefore do not consider that the Council's reasons for refusal were unsubstantiated and I am satisfied that there is no evidence of unreasonable behaviour having regard to the above sections of the PPG.

Impact on No 4 Clifton

9. The proposal involves the construction of a two storey extension of around 3 metres in length close to the boundary with the neighbouring property No 4 Clifton. Whilst I concluded differently, it is not unreasonable to take a view that such an extension could be harmful to the living conditions of the occupiers of No 4. The Council has clearly evidenced its reasoning in that regard and this has been supported by the guidance within the House Extensions and Alterations Supplementary Planning Document (2012).
10. That the Council has not supplied a statement is not compelling evidence that it agreed with the applicant. Indeed, the Council confirmed within the appeal process that it was content to rely on the delegated report following receipt of the applicant's appeal statement.
11. The Council carried out a site visit on two occasions. At least one of these involved an officer accessing the rear of the property from where they would have been able to observe the relationship between the appeal property and No 4, as I did. I am therefore satisfied that the Council had sufficient information to make a decision on the effect on the living conditions of that property. There is no evidence of unreasonable behaviour in this regard.
12. I have had regard to the Inspector's Costs Decision¹ supplied; however, I would note that in that example an officer had not carried out a site visit at all. It therefore has limited relevance to the matters before me.
13. Whilst the light levels of the living area and the impact on the applicant's health is acknowledged as part of this application, this is not further evidence of any unreasonable behaviour on behalf of the Council.

¹ Costs application in relation to Appeal Ref: APP/N4720/D/22/3305955.

Conclusion

14. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Paul Martinson

INSPECTOR