



Costs Decision

Site visit made on 16 December 2025

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Costs application in relation to Appeal Ref: APP/U2750/W/25/3373221

Land at Moor Lane, South Duffield, Selby YO8 6TA

- 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 Holman, Holman & Walker for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for development described as: 'Permission in principle for up to 9 residential dwellings'.
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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. Additionally, local planning authorities are required to behave reasonably in relation to procedural matters at the appeal as set out at paragraph 47 of the PPG.
4. The Council's delegated report identifies a conflict with the development plan through the proposal being located outside of the development limits of a secondary village and went on to reference paragraph 11. d) of the National Planning Policy Framework (the Framework) and that the most important policies for determining the application were considered to be out-of-date. The Council clearly sets out that it considered that harm with regard to sustainability outweighed the benefits.
5. Whilst the applicant questions the amount of weight given to the harm versus the benefits, the amount of weight to be attributed to addressing a housing supply shortfall is a matter for the decisionmaker based on the circumstances of the case. The Council has clearly explained its reasoning in its delegated report, and I see no evidence that the Council incorrectly applied national policy nor that its reasoning conflicted with the level of weight considered in the planning balance. There is therefore no evidence of any unreasonable behaviour on this basis.

6. In their comments on the Council's rebuttal to the Costs Application, the applicants refer to a lack of consistency in terms of sustainability considerations when compared to another application¹ in Eggborough which was approved by the Council. However, given the clear differences between the two locations, with the Eggborough scheme located in a village with numerous services, I am not convinced that the Council has behaved unreasonably in this regard.
7. The Selby Local Plan Revised Publication 2024 (the draft LP) is not emerging policy as work on it has ceased, as set out in my decision. The Council has referenced the evidence base for the draft LP, in its delegated report and has identified the weight to be given to it. I am therefore satisfied that it has been taken into account as a material consideration. The evidence base for the draft LP includes a general statement that '*Some very small-scale development to support the sustainability of these villages may be appropriate*'. This is little different to the existing policy context which also allows for small-scale development, as set out in my decision. The reasons for refusal clearly identify conflicts with the development plan and the Framework. There is no convincing evidence that material considerations have not been taken into account nor that they have been given insufficient weight. I therefore find that the Council has not behaved unreasonably on this basis.
8. The applicants have referenced a scheme that was approved by the Council in the village of Hambleton². This related to a site that was allocated for development in the draft LP. This represents a clear difference with the appeal scheme, and I therefore see no evidence of inconsistency in relation to the Council's consideration of the two applications. This does therefore not constitute unreasonable behaviour.
9. In its delegated report, the Council describes the appeal site as 'isolated', but this is not clearly explained, particularly given the site's proximity to nearby housing development. The delegated report, however, goes onto reference the presumption in favour of sustainable development and consider the proposal against the sustainability aims of the Framework, finding conflict in that regard. As such even if I did find that there was evidence of unreasonable behaviour with regard to referring to the site as 'isolated', an appeal could not have been avoided given the conflicts with the sustainability aims of the Framework that are clearly set out in the delegated report. I note that most of the applicants' statement concentrates on sustainability and landscape issues rather than a determination as to whether or not the site could be considered to be 'isolated'.
10. A written submission by the applicants, responding to concerns and third party comments was not published on the Council's website prior to the determination of the application. The Council argues that it took the information into account in coming to its decision but acknowledges that it was not placed on the website due to an administrative error. Given that the consultation period for the application had expired, and that the Council had taken it into account, it is unclear how the lack of publication of this document on the Council's website has resulted in the applicant incurring unnecessary or wasted costs at appeal.

¹ Ref ZG2023/1275/FULM.

² Ref ZG2023/1356/OUTM.

Conclusion

11. 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.

Paul Martinson

INSPECTOR