



Costs Decisions

Hearing held on 2 December 2025

Site visit made on 1 and 2 December 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2026

Costs application in relation to Appeal A Ref: APP/U2750/W/25/3369918

St Trinians Hall, Easby, Richmond, North Yorkshire DL10 7ET

- 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 Duncan and Ms Taveres for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for the creation of a new access gate and drive to the southern side of St Trinians Hall.
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Costs application in relation to Appeal B Ref: APP/U2750/Y/25/3369919

St Trinians Hall, Easby, Richmond, North Yorkshire DL10 7ET

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Duncan and Ms Taveres for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of listed building consent for the creation of a new access gate and drive to the southern side of St Trinians Hall.
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Costs application in relation to Appeal C Ref: APP/U2750/W/25/3369920

St Trinians Hall, Easby, Richmond, North Yorkshire DL10 7ET

- 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 Duncan and Ms Taveres for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for householder application for the removal of existing garages, stables, and a glasshouse. Permission is also sought for the construction of a new reception room, coach house, and glasshouses with an improved lookout/terrace. Additionally, permission is sought for the external restoration of the existing house, which includes the installation of replacement dormer windows, a modest kitchen extension, a new chimney stack, and a modified opening from the office into the kitchen courtyard.
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Costs application in relation to Appeal D Ref: APP/U2750/Y/25/3369921

St Trinians Hall, Easby, Richmond, North Yorkshire DL10 7ET

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Duncan and Ms Taveres for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of listed building consent for listed building consent for the removal of existing garages, stables, and a glasshouse. Permission is also sought for the construction of a new reception room, coach house, and glasshouses with an improved lookout/terrace. Additionally, permission is sought for the external restoration of the existing house, which includes the installation of replacement dormer windows, a modest kitchen extension, a new chimney stack, and a modified opening from the office into the kitchen courtyard.
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Decisions

1. **Appeal B:** The application for an award of costs is allowed.
2. **Appeal A, C & D:** The applications for an award of costs are refused.

Reasons

3. 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. Claims can be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal.
4. There are several strands to the applicants case. It is put to me that the Council relied on reasons for refusal that were not reasonable and was not substantiated (Appeals A, B and D), provided vague, generalised or inaccurate assertions about the proposals impact (Appeal A), refused planning permission for a matter capable of being dealt with by condition (Appeal A and B), refused to enter into pre-application discussions or provide reasonably requested information (All Appeals). Moreover, it is put to me that the Council failed to engage constructively or request readily available information and refused to accept minor amendments that could have resolved issues without appeal.
5. More specifically, examples of unreasonable behaviour put to me by the applicants include introducing a reason for refusal concerning the description of development despite previously treating the gate and wall as part of the application and failing to clarify this through simple correspondence. Additionally, rejecting acceptable design amendments before determination, later conceding these changes were in part appropriate. Further reasons include raising biodiversity net gain and protected species concerns that could have been resolved by condition or early dialogue and ignoring arboricultural advice and misrepresenting tree impacts in visual amenity assessments. Moreover, the applicants also stipulate that the Council alleged deficiencies in the applicants heritage assessment and by not providing details of alternative options without substantiating the concerns. Collectively, these actions, it is put to me resulted in the applicants incurring unnecessary expense in addressing issues that should have been resolved during the applications process. The Council has defended itself against the submissions.
6. Examples of unreasonable behaviour given within the PPG which may result in an award of costs include a lack of co-operation with the other party or parties. In this instance, it strikes me from the number of emails between the applicants agent and Council that there was co-operation through the appeal process. Whilst there are concerns about co-operation during the applications process there is no substantive evidence that the Council refused to enter into pre-application discussions with the applicants. I will consider the specific appeals in turn.

Appeal A

7. In relation to the first reason for refusal, it will be seen that the Council defended its position regarding the effects of the proposals on the character and appearance of the surrounding area from the combination of the loss of trees and hedgerow. This

position was maintained having regard to the health, status or lack of protections associated with the trees and with the applicants confirming the extent and nature of replacement planting. This was not a vague or generalised position but a position that was clearly articulated.

8. Discussions on the existing and replacement trees during the Hearing are part of the appeals process and a consequence of the Hearing forum. Irrespective of these discussions the Council's position was not altered, and an appeal would not have been avoided. An assessment on character and appearance is a professional judgement and, although I have agreed with the applicants on this main issue, I do not consider the Council to have behaved unreasonably in making its own judgement as it did. Moreover, any agreement or disagreement on conditions is part of the appeal process and does not alter the Council's position.
9. The Council's second and third reasons for refusal related to ecology and biodiversity matters. These matters had the potential to be resolved prior to the determination of the application. However, they were resolved during the appeal process and the matters in dispute thus narrowed. In this regard, I am not persuaded that the Council acted unreasonably in refusing the application as it did given its concerns in relation to the first reason for refusal. The time spent and costs in providing the information would have been incurred in either scenario. They did not amount to wasted or unnecessary expense in the appeal.

Appeal B

10. The first reason for refusal in relation to Appeal B stipulated that *"Listed Building Consent is sought for a secondary western access gate and wall which is not included within the scope of Description of Development. The Local Planning Authority are unable to grant consent beyond the description of development"*.
11. The Council indicated the description used in the joint planning and listed building application form does not involve works requiring listed building consent. However, it was clear from the plans and accompanying details that the works comprised of a new secondary access gate and walls as well. Interested parties submitted representations discussing these elements, and the Council considered them in its delegated report, and ultimately in its second reason for refusal. In this regard, it was not some discretely hidden element and any concerns that the Council had regarding the description could have been rectified during the application process. However, taking two conflicting positions of indicating it is outside of the scope of the application and assessing them in the same decision confuses the decision. The Council were also unable to substantiate in the appeal this reason by drawing my attention to any basis which restricts the grant of listed building consent beyond the description of works on the application form.
12. Overall, I find that the Council has failed to substantiate this first reason for refusal. This constitutes unreasonable behaviour, and the time spent by the applicants addressing the matter amounts to wasted expense in the appeal.
13. During the assessment of the listed building application, the applicants sought to address the Council's concerns by providing amendments to the design prior to the determination of the application. However, these were not considered by the Council even though during the appeal, the Council had no objections to them

being accepted having regard to guidance¹ and caselaw² concerning amendments in the appeal process. Moreover, on the basis of the amendments, the Council subsequently sought not to defend its second reason for refusal. Whilst the Council indicate it is under no obligation to accept amendments, it strikes me that this matter of contention could have been avoided at the outset. Doing so would have avoided wasted expense in the appeal.

14. The third reason for refusal was included in error and not defended during the Hearing. As such, there was no wasted time in the Hearing. However, the applicant spent time addressing the reason in their written submission. I recognise that matters relating to protected species, trees and biodiversity net gain were also considered and addressed in relation to Appeal A. However, even a short amount of time constitutes wasted expense, and it is not the purpose of this Costs Decision to establish how much or little time was spent specifically addressing the matter in relation to Appeal B.
15. Accordingly, and given my findings in Appeal B I find that the unreasonable behaviour has led to wasted expense as it has prevented and delayed works which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.

Amended Plans (Appeals C and D)

16. During the course of the applications the applicants submitted amended plans, which the Council considered to be beyond the scope of the applications and required revised applications. The Council substantiated this position in the appeal drawing from the change to the height and roof design of the Coach House. This is a professional judgement and, although I have accepted the amended plans as part of the appeals, I do not consider the Council to have behaved unreasonably in making its own judgement as it did.
17. Moreover, the changes did not alter the Council's position regarding the appeals. The issues would not therefore have been narrowed, and the appeals would not have been avoided in any case.
18. Concerns regarding the processing of the applications, including matters relating to timescales, communication and advice given prior to the consultation response from the Council's Conservation Officer have not led to wasted or unnecessary expense in the appeals.

Appeal D

19. The Council's decision notice included three reasons. The first reason for refusal stated that "*The Heritage Statement and heritage impact assessment submitted fails to satisfy the requirements of Section 10 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) and Paragraphs 212, 213, 214 and 215 of the NPPF and Historic England's Advice Note 12.*" However, the Council accepts that the first reason for refusal could have been better drafted and included incorrect references. The reason for refusal did not quantify the Council's concerns in relation to Section 10 of the Act, the National Planning Policy Framework, or

¹ Procedural Guide: Planning Appeals – England. Dated September 2024. Section 16, Paragraph 16.1.

² *Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)*, which refined the 'Wheatcroft principles' set out in *Bernard Wheatcroft v Secretary of State for the Environment (1982)*.

guidance. However, the decision should be read alongside the Council's delegated report, and this report does substantiate where the Council's concerns lie with the Heritage Impact Assessment submitted with the application.

20. In submitting the appeal, the applicants chose to commission a further Heritage Impact Assessment by a different consultant, which reached different findings to that provided in the application. Moreover, in the Hearing the Council acknowledged that its concerns amounted to a difference between the main parties in respect of professional judgements on the merits of the proposals. This was ultimately reflected in the main issues in the appeal.
21. The second reason for refusal referred to the submissions not providing adequate justification for the scheme or demonstrating that options have been considered (and discounted) on the basis of the impact to the listed buildings. However, having not identified harm, it was not unreasonable for the applicants to not put forward an argument that there were no alternative less harmful options. Equally, I am not convinced that it was unreasonable for the Council to reference this point either. There is no requirement to demonstrate that alternatives have been discounted but such evidence, if it had been provided, may have been a matter weighing in favour of the Scheme given the Council found harm.
22. The public benefits presented by the applicants during the appeal did not alter the Council's position in relation to the heritage main issue and an appeal would not have been avoided if this information was presented during the application. It is not for the Council to go seeking public benefits beyond those that are presented as part of the application, and it would have been open to the applicants, who were professionally represented, to present public benefits irrespective of its findings of no harm.
23. Overall, the three reasons for refusal in Appeal D could, in my view, have been more concisely drafted into a single reason for refusal. But I am not persuaded that this drafting amounts to unreasonable behaviour leading to wasted or unnecessary expense in the appeal.

Other Matters

24. During the Hearing the Council indicated that they would be applying for costs. A deadline was set, and it was subsequently confirmed that no extensions of time would be given.
25. The Council submitted their submission after the deadline, without any good reason given for having made the application late, and it was subsequently returned as late. Prior to it being returned the applicants had sought to understand whether the Planning Inspectorate would accept the submission and, in the absence of a reply, the applicants submitted a response. This submission was also returned. However, I was clear that no extensions of time would be permitted, and it was the applicants choice to submit a response knowing this. In this regard, whilst I accept that the Planning Inspectorate had not replied to the applicants email, the Council's late submission itself did not directly cause the applicants to incur unnecessary or wasted expense in the appeal process.

Conclusion

26. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted in relation to Appeal B. However, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in relation to Appeals A, C, and D.

Costs Order

Costs Order in relation to APP/U2750/Y/25/3369919

27. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Yorkshire Council shall pay to Mr Duncan and Ms Taveres, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
28. The applicants are now invited to submit to North Yorkshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Mr R Walker

INSPECTOR