



Costs Decision

Site visit made on 28 October 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2026

Costs application in relation to Appeal Ref: APP/C2741/W/25/3370754 Mclean Aviation, Rufforth Airfield, Bradley Lane, Rufforth, York YO23 3NA

- 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 Steve Hargreaves against the decision of the City of York Council.
 - The appeal was against the refusal of planning permission in principle for “Permission in Principle for a single self/custom build dwelling”
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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. The applicant contends that, at the planning application stage, the Council misunderstood the definition of previously developed land (PDL) as it relates to the proposed development. The first reason for refusal specifically refers to the inappropriateness of the development and the substantial harm to the openness of the Green Belt, which is a specific matter that must be considered within the context of paragraph 154(g) of the National Planning Policy Framework (the Framework). The Council’s appeal statement addresses the issue of openness and presents a reasonable case that the proposal would cause substantial harm to the openness of the Green Belt. I do not find that the Council acted unreasonably in refusing planning permission on the basis that the proposal constituted inappropriate development in the Green Belt which would result in substantial harm to its openness. Although I have concluded that the development is located on PDL, I have nevertheless reached the same overall conclusion as the Council, that the proposal constitutes inappropriate development which causes substantial harm to the openness of the Green Belt. I therefore do not find that the applicant has incurred unnecessary or wasted expense in addressing this matter as part of the appeal.
4. While the applicant’s case focuses on paragraph 154(g) of the Framework as the provision supporting the view that the proposal is not inappropriate development in the Green Belt, the applicant also referred to grey belt in their appeal statement, which the Council responded to in its own evidence. Although I have reached a

different conclusion to the Council with regard to conflict with purpose (d) of the Green Belt designation, the Council's reasoning was not unreasonable. The Council's conclusions concerning the sustainability of the appeal site's location were generally consistent with my own. As a result, irrespective of the site being, in my view, grey belt, it nevertheless remains inappropriate development in the Green Belt. I do not consider that the Council acted unreasonably in addressing this matter in the appeal process.

5. The Council addressed the matter of self-build and custom-build housing in its appeal statement and appears to have determined the application on the basis that it was for a single dwelling in open countryside, without applying any self-build or custom-build restriction. The applicant is correct to state that any such restriction would be applied at the Technical Details Consent (TDC) stage. It is not unreasonable that the Council considered this matter at the Permission in Principle stage; however, given that the description of development specifically refers to self-build and custom-build housing, the Council should have determined the application on this basis, and I agree with the applicant's submissions in this regard. Nevertheless, I have not been presented with compelling evidence to demonstrate that, had the Council taken this approach, it would have reached a different conclusion regarding the inappropriateness of the proposed development or the harm to the openness of the Green Belt. Furthermore, I have assessed the proposal as self-build and custom-build housing in my own determination and concluded that it would still constitute inappropriate development that would harm the openness of the Green Belt. For these reasons, I am not persuaded that the Council's behaviour resulted in a different outcome or led to the need for the appeal, nor that it caused the applicant to incur unnecessary or wasted expense in the appeal process.
6. The Council concluded that it would not be possible to provide the appropriate separation distance to the adjacent watercourse, and this formed the basis of the second reason for refusal. They stated that the applicant had not provided sufficient information to demonstrate whether a dwelling could be accommodated on the site in relation to the watercourse. Although I have reached a different conclusion on this matter, I do not find the Council's position unreasonable in the context of Permission in Principle, where the considerations specifically relate to location, land use and the amount of development. Providing a separation distance of the scale identified would likely have a significant impact on the developable area of the appeal site. Furthermore, the applicant has not demonstrated that addressing this issue has resulted in unnecessary or wasted expense during the appeal process which would justify an award of costs. The applicant's response has been to state that the matter is not relevant at this stage. It has also not been demonstrated that, had the Council adopted a different approach, it would have resulted in a different outcome, or that the appeal (and associated costs) would have been avoided, given that the main issues in this case relate to the Green Belt location of the development. Supporting this conclusion, although I have judged this matter to be appropriately addressed at TDC stage, I have nevertheless determined that the appeal should be dismissed based on the main issues relating to development in the Green Belt.
7. It is for the parties to an appeal to determine which matters they address and respond to. While the Council did not specifically expand upon the applicant's assertions relating to whether development plan policies were out of date, and the

implications for the application of paragraph 11 of the Framework, I do not consider the Council's behaviour to be unreasonable given the relatively recent adoption of the Local Plan and my conclusion that it constitutes an up-to-date development plan for the purposes of determining the proposed development.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F P Tinsley
INSPECTOR