



Costs Decision

Site visit made on 3 February 2026

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Costs application in relation to Appeal Ref: APP/U2750/W/25/3376576 Ibbotson Farm, Askwith, Otley, LS21 2HX

- 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 Marston for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for 'retrospective full planning application for the construction of kennels with formation of a fenced enclosure.'
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. The PPG also states that an application for costs will need to clearly demonstrate how any alleged behaviour has resulted in unnecessary or wasted expense.
3. Unreasonable behaviour on the part of the local planning authority may include making vague and generalised assertions about the proposal that are unsupported by objective analysis, and a lack of co-operation with the other party or parties.
4. The applicant's stance is that the Council failed to substantiate their assessment of noise, with no clear or obvious interrogation of the Noise Impact Assessment (NIA) data or the agricultural context of the site. Also, that the Council failed to engage in dialogue following the consultee response, such that mitigation measures may have been agreed, and that the application was refused two weeks before the agreed date for determination.
5. In addition, the applicant asserts that the Council failed to explain that a farm diversification plan was needed and that this theme would constitute a reason for refusal.
6. The Environmental Protection consultee response was a reasonably detailed analysis of the development and its impact, taking account of concerns and complaints that had been received by the Council. Their comments were used verbatim in the officer report and form the full extent of the Council's assessment in respect of 'residential amenity' within the application. The assessment was objective and substantive and included empirical evidence. It also states that an NIA had been submitted and implies that the NIA had been considered.

7. However, it failed to explain why the Council considered that the NIA did not justify the development. For example, with reasoning centred on any potential flaws in the methodology, the data itself or the conclusions. There was also no assessment of the site context as a working farm in relation to noise generating operations and odour, within the analysis of the planning application.
8. These shortcomings left significant room for uncertainty for the applicant, as to whether the NIA and site context had been properly considered. Even though it can be seen from my decision that I generally agree with the Council's findings, the lack of clarity, required the applicant to pursue the appeal, basing their case primarily on the findings of the NIA, and engaging their noise consultant to respond.
9. The Council is not duty bound by the National Planning Policy Framework to request further information from an applicant or engage in negotiations. Even if mitigation measures or points of clarification had been requested and provided, I cannot be certain that this would have avoided the appeal. The reason for this is that the Council explains why they considered the development to be unacceptable, giving weight to concerns from neighbours, and that there would not be effective mitigation. Moreover, I note that the Council recommended options; appealing the decision or exploring alternative locations as part of a new planning application.
10. The determination of the application was within the time limit agreed between the parties. Given the Council's clear position, there is nothing before me to indicate that delaying the decision for two weeks would have resulted in a different outcome.
11. My attention has been drawn to the covering letter submitted with the application. This included a discussion about Policy EC4 of the Harrogate District Local Plan 2014 – 2035 but does not include details of the farming business, which is specifically required by criterion D of the policy. Whilst I acknowledge that the Council did not request a farm diversification plan, the onus is on the applicant or their representative to submit the required information. Moreover, whilst this matter was required to be addressed at appeal, this does not amount to unnecessary or wasted expense as the information would have been required at some stage in the planning process. I consider the Council's approach to be reasonable given that the application was to be refused on other definitive grounds in any event.

Conclusion

12. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the need to deal with issues relating to the assessment of the NIA, and site context, and a partial award of costs is therefore warranted.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Yorkshire Council shall pay to Mrs Marston, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in relation to the assessment of the Noise Impact Assessment and site context; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is 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.

E Heron

INSPECTOR