



Costs Decision

Site visit made on 20 January 2026

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2026

Costs application in relation to Appeal Ref: APP/U2750/W/25/3375659

Myers Farm Barn, Leyburn Road, Wensley, Leyburn DL8 4HR

- 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 Gabriela Baxter for a full award of costs against North Yorkshire Council.
 - The appeal was against the grant of planning permission subject to conditions for extension to existing barn conversion, removal of an existing outbuilding and the creation of a new detached outbuilding (revised plans added to the case file on 03/12/2024).
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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. PPG explains that unreasonable behaviour in the context of an application for an award of costs may be either:
 - procedural – relating to the process; or
 - substantive – relating to the issues arising from the merits of the appeal.
3. The applicant claims that there has been a lack of co-operation during the decision-making process which has caused considerable delay. Additional planning requirements such as the need for ecology work has also been claimed to have caused further delays and has amounted to considerable costs with the appellant referencing costs for ecology work and storage. The applicant also feels they have been treated unfairly and inconsistently in comparison with other planning decisions, and I have been referred to case law in this regard.
4. The PPG advises behaviour that may give rise to a procedural and substantive award against a local planning authority, including amongst other things, a lack of co-operation with the other party or parties; delay in providing information or other failure to adhere to deadlines; preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; acting contrary to, or not following, well-established case law and; not determining similar cases in a consistent manner.

5. Whilst I appreciate the applicant's frustrations regarding delays in the decision-making process, communications were had between the case officer and the architect and also discussions were had regarding the need for further ecology work. Even though further ecology work was undertaken in the form of a Bat Risk Assessment Report, the purpose of the risk assessment provides information on the suitability of the site for roosting bats and document any evidence of their presence. It confirmed that the structure was deemed to be of low suitability for roosting bats but presents a number of potential roost sites that could be used by individual bats opportunistically at any time of the year. Further, the surrounding habitats provide suitable foraging and commuting opportunities, and connectivity to the wider environment. The Bat Risk Assessment sets out that in accordance with current guidance, one dusk emergence survey is required to determine whether the structure deemed to have low suitability for roosting bats is being utilised by bats. The survey should occur between May and August in suitable weather conditions. It then goes on to state that appropriate mitigation will be determined following the results of the bat activity surveys on the building. It is clear therefore that further work was indeed needed.
6. As certain ecology assessments can only be complete at certain times of the year, this would inevitably result in delays. I appreciate that the request for this sooner would have been useful and prevented delays, but an application needs to go through its formal consultation process and be assessed accordingly before certain requests are made. The Council has also confirmed that they did not receive this assessment which could have also led to delays. In any event, it is clear from the assessment carried out that further work was required and the applicant could have indeed progressed this as to avoid delays.
7. Based on the evidence before me, I find that there was insufficient ecological information in relation to potential presence of protected species and thus I do not find it unreasonable for the Council to have requested further survey work.
8. Whilst my attention has been drawn to other planning decisions in the area and case law in this respect, the details provided are limited to be able to make a full assessment ie decision notices, officer's reports, approved plans etc and I am not clear of the context in which they were assessed which could indeed influence the outcome. Moreover, the location and schemes are different and thus I do not find them to be directly comparable to the appeal before me which I have assessed based on its own merits.
9. It is not unreasonable for the Council to consider that the approved plans were indeed the maximum they could allow having regard to the character and appearance of the site and surrounding area as well as living conditions. This is largely a matter of planning judgement and an appeal on this basis could not have been avoided. Previous applications at this site and how they were dealt with is a separate matter which is not relevant to the appeal subject to this cost's application.
10. Bringing everything together, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Teasdale

INSPECTOR