



Costs Decision

Hearing held on 3 February 2026

Site visit made on 3 February 2026

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2026

Costs application in relation to Appeal Ref: APP/U2750/W/25/3374945 The Former Henry Jenkin Inn (part), Main Street, Kirkby Malzeard, North Yorkshire HG4 3RY

- 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 Justin Claybourn for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for the conversion of vacant/redundant outbuildings to 1no. holiday cottage including external alterations and associated hardstanding.
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Decision

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

The Submission for Mr Justin Claybourn

2. An application for costs was made in writing prior to the Hearing and was added to orally at the Hearing. The basis of the applicant's cost claim is that the Council had no evidence to support its decision. The applicant argues that the Council relied on the outcome of the previous planning application as a material consideration, without explaining how that decision justified the current refusal¹. They also contend that given the earlier positive officer recommendation and the Committee's contrary decision, the Council should have provided a clear rationale for the different officer recommendation expressed in its report.

The Response by North Yorkshire Council

3. The Council's rebuttal was submitted in writing in advance of the Hearing as part of its statement of case. It suggests that the Planning Committee was entitled to reach the decision it did on the earlier planning application, and that the Council was entitled to acknowledge that decision as a material consideration when assessing the merits of the current proposal. The Council considers that the officer report substantiates the case for refusal.

Reasons

4. 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.

¹ Planning application reference ZC23/03121/FUL.

5. A previous planning application (ZC23/03121/FUL), was refused by the Planning Committee against officer recommendation. A subsequent planning application, which is now the subject of this appeal, sought permission for the same development, namely the conversion of the outbuildings at the Henry Jenkins Inn (the Inn) to a holiday let. The officer report acknowledges that no material changes had occurred to the policy framework or the planning circumstances since the earlier decision. Although the report treated the Committee's earlier decision as a material consideration, it did not explain the aspects of that decision which now led the officer to recommend refusal. Indeed, its consideration of this matter was limited to just 1 paragraph of 2 sentences.
6. The officer report did not refer to the Committee meeting minutes or otherwise explain how the Committee's reasoning informed a different recommended decision this time around. Nor did it provide a full analysis of the proposal against Policy HP8 of the Harrogate Local Plan (2020). In particular, the officer report did not explain why the outbuildings were considered necessary to the functioning of the Inn, or how their conversion would undermine the prospects for the site's ongoing community use. The Council's statement of case did not address these omissions and largely repeated the reasoning of the officer report.
7. Even where a proposal repeats an earlier scheme, each application must be assessed on its own merits with clear and objective analysis. At the Hearing, the Council was unable to explain why updated marketing information had not been sought, despite its view that Policy HP8 was engaged in respect of this proposal. Whilst the Council is entitled to determine an application based on the information supplied, the absence of information considered necessary to address conflict with the development plan, should be clearly referred to and explained. Had the officer report provided such clarity, the applicant may have been able to approach the appeal differently or decide not to pursue it.

Conclusion

8. The refusal of planning permission without clear and objective analysis, and without substantiating the reason for refusal, amounts to unreasonable behaviour. Although the appeal has been dismissed, the Council's handling of the application and its failure to explain or justify its position, resulted in the applicant incurring unnecessary expense in preparing evidence to respond to a case that was not adequately articulated. A full award of costs is therefore justified.

Costs Order

9. 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 Mr Justin Claybourn, 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.
10. 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.

M Clowes - INSPECTOR