



Costs Decision

Site visit made on 21 January 2026

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 9th March 2026

Costs application in relation to Appeal Ref: APP/U2750/W/25/3375298
Land fronting Broad Lane, Church Fenton, Tadcaster, North Yorkshire (easting: 436300 northing: 4525000)

- 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 John Harrison for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of permission in principle for 8 self-build plots each with a frontage of 20m to Broad Lane, Church Fenton and depth of 40m (6400m² in total).
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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. Unreasonable behaviour on the part of a local planning authority may include 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, or not determining similar cases in a consistent manner.
4. In claiming the cost of the appeal, the applicant submits that the Council has acted unreasonably in substantive terms by refusing permission for development which, in the applicant's view, should clearly have been permitted, and by adopting an approach said to be inconsistent with other decisions relating to development adjacent to Designated Service Villages. Procedurally, it is asserted that the Council acted unreasonably by failing to identify certain policies on the decision notice, by misapplying national policy, and by failing to identify what the applicant considers to be the most important determinative policies.
5. It is evident from the submissions before me that the matters relied upon in support of the application for costs are closely aligned with the applicant's case on the planning merits of the appeal. In particular, the applicant's allegations of unreasonableness depend upon my accepting that the Council's assessment of the site's relationship to the settlement, its effect on countryside character and the setting of the village, and the application of development plan policy were irrational or unsupportable.

6. However, as set out in my Appeal Decision, I have found that the appeal site is not physically adjacent to the coherent built-up area of Church Fenton, being separated from it by open paddocks and rural land uses, and that its development for residential purposes would result in harm to the character of the countryside and the setting of the village. Those findings were matters of planning judgement properly open to the Council. The comparison cases relied upon by the applicant relate to development on land adjacent to settlements and are not materially indistinguishable from the appeal proposal. The Council was therefore entitled to distinguish those cases and to reach a different conclusion.
7. With regard to the procedural matters raised, including the content of the decision notice and the identification of relevant policies, these are matters of legal and procedural interpretation which were contested by the parties and required detailed consideration. Even if expressed differently, they do not demonstrate that the Council acted contrary to well-established practice or behaved unreasonably in the context of determining a planning application. Nor am I satisfied that any of the alleged procedural failings caused the applicant to incur unnecessary or wasted expense in pursuing the appeal.
8. I have found in my Appeal Decision that the reasons for refusal were substantiated and that the harm arising from the proposed development would significantly and demonstrably outweigh the benefits. As such, I do not consider that the Council acted unreasonably in refusing permission.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

C Mayes

INSPECTOR