
Costs Decision

Site visit made on 19 January 2026

by **N Duff BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Costs application in relation to Appeal Ref: APP/U2750/W/25/3372253

Land lying to the north of Copper Beach Drive, Whitley, Selby DN14 0HZ

- 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 Richard Roberts SPV1 Ltd for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use of an agricultural building to 2 no. dwellinghouses together with external works reasonably necessary for the conversion.
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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 application for costs relies to a substantial extent on whether there has been refusal to engage in reasonable discussions with the applicant, that could have narrowed the issues at appeal during the application stage. The application for costs also states that the Council failed to produce evidence to substantiate reasons for refusal using generalised assertions without technical backing. Therefore, the application for costs is on both procedural and substantive grounds.
4. The applicant has stated that the Council contacted them on the 23rd June 2025 to make them aware of the reasons for refusal and issued the decision later that day, which did not give the applicant sufficient time to respond to the issues. Whilst it is good practice for Council's to engage with applicants, it is the Council's view that as the matter of plans internal floor space was only relating to one reason for refusal, it was not considered necessary to request further details in relation to addressing the reasons for refusal for the application, at extra expense to the applicant.
5. Whilst I acknowledge the applicant's frustration about the limited dialogue with the Council and opportunity to resolve the issue of floor space during prior approval application process, which may have narrowed the reasons for refusal. As the original plans were submitted to the Council for determination, I do not consider that the Council considering the plans before them, without clarifying calculations, to be unreasonable. Furthermore, this concern relates to how the original application was handled, rather than to any procedural matter arising during the

appeal itself. Therefore, I do not consider that the Council has demonstrated unreasonable behaviour relating to procedure.

6. Having regard to the evidence provided by the Council to substantiate its reasons for refusal. The Council's planning report, decision notice and appeal statement contain detailed and precise reasons for refusal and justification for reaching the decision it has within those documents. This demonstrates that the Council clearly considered the plans and supporting information before it at the time of making its decision. Whilst the applicant may not agree with the Council's findings, I am satisfied that the Council has assessed the proposals under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
7. For the above reasons, I do not find that the Council has behaved unreasonably and given that I agree with the Council's conclusion that the scheme was not permitted development, an appeal was unavoidable.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Duff

INSPECTOR