



Costs Decision

Site visit made on 24 February 2026

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2026

Costs application in relation to Appeal Ref: APP/U2750/W/25/3376340

Part OS Field 0038, Foss Syke Lane, Sandhutton YO7 4RS

- 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 JWK Developments (SPV 1) Ltd for a full award of costs against North Yorkshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for phased residential development of no. 3-4 self/custom-build dwellinghouses.
-

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. It is stated that the Council acted unreasonably in failing to determine the application, failing to upload or consider submitted evidence and failed to respond to requests for discussion or clarification.
4. PPG advises that local planning authorities, in any appeal against a failure to determine an application within the statutory period, should explain the reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period. It also advises that if an appeal in such cases is allowed, that the local planning authority may be at risk of an award of costs, if there were no substantive reasons to justify delaying the determination, and better communication with the applicant would have enabled the appeal to be avoided altogether.
5. Applications for Permission in Principle ('PiP') are subject to an accelerated timescale for determination, with an expectation that a decision be issued within 5 weeks of a valid application being made to the local planning authority.
6. In this case, the Council failed to issue a decision within the expected period. No explanation has been given to why this was the case. From the evidence before me, it appears that correspondence between the applicant and the Council was sporadic and did not, on the Council's part, concern the merits of the proposal to any notable extent.

7. The appeal was lodged in November 2025, around 3 months after the application was originally submitted. Even taking account of the fact that the applicant provided additional information in September 2025, beyond the period of determination, this nevertheless represents a significant period of delay, which remains unexplained.
8. Moreover, there is little evidence before me to demonstrate that Council was meaningfully engaging with the applicant with regard to the substance of the proposal beyond a single telephone conversation. While the compressed timescale for determination would have, reasonably, restricted the level of negotiation that could realistically have been undertaken, in comparison to a planning application, there is little indication that the Council entered into any constructive dialogue of note.
9. Furthermore, it is telling that even though the application remained undetermined for a period in excess of the target date for determination, it does not appear that the Council used this time to constructively communicate with the applicant, in any case, or in lieu of such communication, issue a decision. Given these circumstances, the behaviour of the Council in these respects was unreasonable.
10. With specific regard to the failure of the Council to upload additional information submitted by the applicant, although not best practice, it is not necessarily the case that the information was not being considered by the Council, or that it unacceptably contributed to delays. In and of itself, I do not consider that this amounted to unreasonable behaviour.
11. Although I have found that unreasonable behaviour occurred, this alone does not justify the awarding of costs. It must be shown that the unreasonable behaviour led to unnecessary or wasted expense in the appeal process.
12. As I have dismissed the appeal, it does not follow that the Council's behaviour delayed development that should otherwise have clearly been approved. Given the position taken by the Council during the appeal and having regard to the limited informal feedback that applicant appears to have received during the consideration of the application, it is likely that an appeal would have been necessary even if the Council had determined the application.
13. The scope of PiP applications is narrow. Therefore, although the Council had not formally outlined its concerns in any particular detail prior to the appeal being lodged, the applicant would nevertheless have had awareness of the issues that would likely arise, and it has not been shown that any of the evidence produced for the appeal would not have been required, had the Council outlined its concerns earlier.
14. Therefore, having regard to all of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR