



Costs Decision

Site visit made on 24 June 2026

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Costs application in relation to Appeal A Ref: APP/U2750/W/25/3375393

1 Church Row, Kirkby-In-Cleveland, Middlesbrough TS9 7AJ

- 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 Alexandra Scott for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for application to carry out repairs and alterations to a single storey rear extension. Remove and replace existing roof and repoint mortar to sandstone walls. Convert part of the extension from a outbuilding to a habitable room, replace a door with a window and remove chimney stack from the roof.
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Costs application in relation to Appeal B Ref: APP/U2750/Y/25/3376403

1 Church Row, Kirkby-In-Cleveland, Middlesbrough TS9 7AJ

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Alexandra Scott for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of listed building consent for Listed Building consent to carry out repairs and alterations to a single storey rear extension. Remove and replace existing roof and repoint mortar to sandstone walls. Convert part of the extension from a outbuilding to a habitable room, replace a door with a window and remove chimney stack from the roof.
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Decision

1. The applications for an award of costs are 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 crux of the applicant's case is that the Council has behaved unreasonably by its approach to enforcement action, in its dialogue, handling of the applications and determining similar cases inconsistently. These, it is put to me, has meant that the appeals could have been avoided and the Council has ultimately prevented and delayed development/works that should have been permitted. The Council has defended itself in relation to these matters.
4. The applicant's costs submission sought costs for, amongst other things, an abortive application fee and associated drawings. This stems from the applicant's submission that the Council's approach to enforcement was unreasonable and inconsistent. From the evidence before me, the Council has not issued an enforcement notice but had requested applications be submitted, which were duly

submitted by the applicant. However, the power to award costs relates to costs necessarily and reasonably incurred in the appeals process only. Costs of the applications are not eligible, but the Council's behaviour in dealing with these applications may have a bearing on the award of costs. I have considered this further.

5. From the evidence before me there was initially constructive dialogue between the Council and the applicant with requests for information, which the applicant sought to provide. However, having received the consultation response from the Council's Conservation Officer, the Council raised numerous concerns and recommended that the applicant seek, amongst other things, professional advice with a view to submitting a revised application. Whilst I recognise that this might have come as a surprise to the applicant, given the extent of concerns raised by the Council, and the time that it would likely take to seek professional advice and provide the additional information and plans, I am not convinced that this approach was unreasonable in the context of the advice within the PPG.
6. It will be seen from my decisions in dismissing the appeals, that I have found harm and also had concerns regarding the level of detail submitted. Although I have not agreed with the Council's position regarding the level of harm stipulated in its decision notices, the weight I gave to the public benefits that would flow from the appeals did not outweigh the weight that I attached to the harm. Moreover, I also found conflict with the policies of the Local Plan that were identified in the Council's reason for refusal.
7. The Council has not therefore refused, prevented, or delayed development that should clearly have been permitted having regard to its accordance with the development plan, national policy, and any other material considerations including, amongst other things, the potential use of conditions and alterations undertaken to other nearby properties. In this regard, the matters raised by the applicant have not, individually, or cumulatively, led to wasted expense in the appeals process.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense in the appeals has not occurred and an award of costs is not warranted.

Mr R Walker

INSPECTOR