



Costs Decision

Site visit made on 9 June 2026

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2026

Costs application in relation to Appeal Refs: APP/U2750/Y/25/3373072, APP/U2750/Y/25/3373075 and APP/U2750/Y/25/3373076

- 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 Mr Paul Rummery for a full award of costs against North Yorkshire Council.
 - The appeals were against the failure to determine applications for Listed Building Consent within the prescribed period.
 - The works proposed are the replacement of windows in the North, South and East Elevations of the building.
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Decision: an award of costs is made in the terms set out in the Costs Order below

1. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. The PPG indicates that one of the aims of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and to follow good practice.
2. The PPG indicates that local planning authorities are at risk of an award of costs if they behave unreasonably in failing to determine planning applications. The PPG goes on to indicate that in any appeal against non-determination, the local planning authority should explain their 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. The PPG indicates that if an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs if the Inspector concludes that 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.
3. The applicant explains that the Council repeatedly asked for additional information after the applications had been validated which, in his view, was far in excess of the information required to handle identical applications to neighbouring properties. This continued during the protracted course of the applications.
4. The applicant goes on to explain that the applications went throughout the statutory period without any officer from the Council (either planning officer or conservation

officer) attending site and viewing the windows subject to the applications. With the approaching deadline for the decisions on the three applications, the applicant expected that discussions would take place but these only focused on extending the deadline for the decisions. At the time of making this application for costs, the Council had still not visited the site to view the windows subject of the appeals and no response had been forthcoming regarding the case.

5. In the applicant's view, the Officers handling the applications did not understand what was being applied for, did not visit the site and unnecessarily prolonged the application process. It is the applicant's opinion that had the Council engaged in dialogue a more proactive solution could have been reached and the need for appeals avoided.
6. The Council responds by pointing out that the applications and appeals were missing information to enable a proper assessment of the proposals, specifically, a condition survey of the existing windows. The Council maintains that without this/these survey(s), there was insufficient information to assess whether the removal of the historic fabric is necessary or whether repairs would be sufficient. The Council fairly indicates that any site visit ahead of this/these survey(s) would have been superfluous as the case officer would need this survey to cross reference on site (window per window).
7. The Council accepts that some information was submitted, but not to the level needed. The Council does, however, accept that the need for this information has not been clarified during the course of the applications with the agent.
8. The Council then contends that the refused previous application for the window replacement in January 2025 (Council Ref: ZD24/00443/LBC) clearly articulated what information was needed. The reason for refusal stated:

"The proposed replacement windows would cause substantial harm to the character and significance of Hill House, a Grade II listed building. The proposal does not preserve or enhance the building's historic value and does not minimise harm to its significance. Insufficient evidence has been provided to demonstrate that all the historic windows need replacing. There is no public benefit to outweigh this harm. The application does not meet the requirements of Policy CP12 of the Richmondshire Core Strategy (2014) and paragraphs 212-215 of the National Planning Policy Framework (2024), particularly regarding the need for clear and convincing justification for the proposed alterations and the failure to demonstrate a public benefit."

9. Herein lies the inconsistency. The Council states in terms in the reason for refusal that insufficient evidence was provided to demonstrate that all the historic windows need replacing. But this did not prevent the Council from determining the application and reaching the conclusion that the proposal did not preserve or enhance the building's historic value. Moreover, the Council evidently considered that it had enough information to conduct the balancing exercise required by the National Planning Policy Framework¹, reaching the conclusion that there was no public benefit to outweigh the harm identified. Whether that was a sound approach is not before me but this contrasts markedly with the approach taken to the appeal

¹ The National Planning Policy Framework was revised on 17 August 2026 such that the paragraphs quoted in the Council's Reason for refusal do not correspond with the paragraphs (now policies) in the revised Framework. I have cited the latter in my main Decision.

applications, where the Council took the view that the lack of information prevented it from determining the applications.

10. The Council maintain that the need for a good quality condition survey was clearly articulated in the refused application documents and it is unclear why this information was not then provided under the appealed applications or alternatively appealed at that stage if the appellant disagreed the information was necessary. The key wording appears to be that contained in the comments of the Conservation Officer dated 12 December 2024, which state:

The submissions fail to include evidence of the historic windows which identifies their condition and provide tailored recommendations for their repair, consolidation and were demonstrated as necessary, their alteration. This information is key to understanding how the proposals impact the listed building and its special significance and is necessary under Section 10 (2c) of the Act (PLBCAA, 1990)

11. It is by no means clear to me whether this information was ever conveyed to the applicant alongside the reason for refusal. I am advised, however, that the Council did request information on two separate occasions during the consideration of the appeal applications: one for scale drawings of every proposed window showing sections and elevations a request for a detailed analysis of each pane of glass throughout the entire house. The applicant confirms that in both cases the additional information was provided in short timescales.
12. It therefore appears to me that ultimately all the information necessary to determine the applications was before the Council. I accept entirely that there was no merit in the Council visiting the site prior to that information being submitted but that as soon as that information was provided there was no sound reason not to undertake a site visit.
13. The applicant had a legitimate expectation that the applications would be determined in a timely manner, particularly since they involved a Grade II Listed building within a conservation area (and that the poor condition of the windows, the main driving force for the applications, was clearly articulated). In this case, on the evidence before me, I conclude that there were no substantive reasons to justify delaying the determination of these applications. Moreover, quicker and better communication with the applicant could have enabled the appeals to be avoided altogether. There was also the unexplained inconsistency between the approach taken with the appeal applications compared to the application refused in January 2025.
14. The PPG is very clear: costs may only 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. For the reasons set out above, I consider that the Council has behaved unreasonably in PPG terms. I allowed the appeals on substantially the same evidence that was (ultimately) before the Council. It follows that the applicant incurred unnecessary and wasted expense in submitting the appeals. Both the conditions necessary for an award of costs are therefore present.

Costs Order

15. 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 Paul Rummery the full 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. Mr Paul Rummery 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.

Paul Freer

INSPECTOR