
Costs Decision

Site visit made on 4 April 2017

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2017

Costs application in relation to Appeal Ref: APP/G0908/W/16/3166313 Gavel Street/ Sandy Lonning, Maryport, Cumbria, CA15 8AN

- 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 Rockford Holdings Ltd. for a full award of costs against Allerdale Borough Council.
 - The appeal was against the refusal of the Council to grant outline planning permission for an outline application for 3 additional terrace dwellings and minor amendments to shared access approved as part of application 2/2016/0116 for 2 semi-detached town houses.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The appellant's costs application and the Council's response were submitted in writing.
 3. 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.
 4. In summary, the appellant argues that the scheme amounts to sustainable development, which should be approved without delay, and that the additional details sought by the Council could have been satisfactorily controlled through the imposition of conditions. Under these circumstances, the Council's refusal of outline planning permission was unreasonable and has caused wasted expense.
 5. Insofar as the Council considers that the appellant has not provided sufficient evidence to show that the site could satisfactorily accommodate 3 residential units, with reference to the effect on the character and appearance of the street scene and the living conditions of neighbouring residents, I share its view. In my appeal decision, I have found it is unlikely that the provision of scale, appearance and landscaping details, secured through the imposition of conditions would indicate that the harm I have identified could be satisfactorily mitigated and it is unlikely that the site could satisfactorily accommodate 3 units. Furthermore, the scheme would be unlikely to amount to sustainable development, it would be likely to conflict with the Development Plan taken as a whole and the appeal should be dismissed. It follows that the Council has
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not prevented or delayed development which should clearly be permitted, having regard to its accordance with the Development Plan, national policy and any other material considerations.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

I Jenkins

INSPECTOR