

Costs Decision

Site visit made on 16 January 2018

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

Decision date: 13 February 2018

Costs application in relation to Appeal Ref: APP/M0933/W/17/3177755 High Thorn Farm, Selside, Kendal LA8 9JX

- 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 Mr Raymond Crawford for a full award of costs against South Lakeland District Council.
 - The appeal was against the refusal of planning permission for the siting and landscaping of 3 no. self catering fishing lodges.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 an award of costs has been made in relation to the application that is set out in the header to this Decision, but in the text of the written claim reference has been made to costs related to two planning appeals and one enforcement appeal. The reasons given in this Decision in relation to the application set out in the header apply equally to any claim for costs, if any had been made, in relation to other conjoined appeals.
4. The issues raised by the application are visual issues relating to the effect of the development on the visual amenity of the area and the character of the landscape. Council Officers are entitled to reach their own conclusions based on the evidence submitted and on the knowledge they will have gained on visiting the site and the surrounding area. The assessments made and conclusions expressed by Officers, in delegated reports and other documents, whilst somewhat repetitive, are not vague or generalised but specific and focused. It was not necessary for the Council to carry out or procure an objective independent landscape and visual impact assessment to counter that submitted by the Applicant, to reach the decision that they did on the application. The Council has not acted unreasonably and an award of costs is not therefore justified.
5. The Council's decision to determine the application under delegated powers is a matter for them and is not a matter that can influence an application for costs.

John Braithwaite

Inspector