
Costs Decision

Site visit made on 3 October 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

**Costs application in relation to Appeal Ref: APP/E0915/W/19/3232559
Parkland between Geltsdale Avenue and Durranhill Road, Durranhill Road,
Carlisle CA1 2RL**

- 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 Ian Murray for a full award of costs against Carlisle City Council.
 - The appeal was against the refusal of the Council to grant planning permission for a new vehicle and pedestrian entrance.
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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. A full award of costs has been sought by the applicant. The applicant asserts that the Local Planning Authority (LPA) has acted unreasonably resulting in unnecessary time and expense.
4. The appellant states that it was unreasonable to refuse to grant planning permission for new access as the development is *clearly acceptable*. While I have allowed the appeal and granted planning permission for the new access I noted the lack of substantive evidence regarding the effect of the development on protected trees.
5. Elected members are not bound to follow the advice of the Council Officers and while it is unfortunate that there appears to have been some formatting issues with Council's appeal statement, it nonetheless articulates and justifies the reason for refusal based on the development plan and material considerations.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mark Brooker

INSPECTOR