
Costs Decision

Site visit made on 1 March 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Costs application in relation to Appeal Ref: APP/Q9495/D/20/3264893 1 Gale Crescent, Lower Gale, Ambleside LA2 0BD

- 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 P Ergatoudis for a full award of costs against Lake District National Park Authority.
 - The appeal was against the refusal of planning permission for an extension and alterations to existing outbuilding to form two storey annexe.
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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 appeal followed the refusal on 23 October 2020 of an application made on 7 September 2020 for an extension and alterations to existing outbuilding to form two-storey annexe. My decision which accompanies this costs decision generally agrees with the Council's overall assessment and dismisses the appeal under the terms set out in my decision.
4. The Planning Practice Guidance indicates that a local planning authority will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate each reason for refusal. In this particular case the applicant contends that the Council has acted unreasonably through the determination of the application, failing to engage in a positive and proactive manner, in particular lacking communication, has failed to state clearly and precisely the full reasons for refusal and specify all policies in the development plan which are relevant to the decision, and failed to have reference to a precedent, specifically an outbuilding to the south of the appeal site.
5. The Council has responded detailing the communication between the parties and specifically referring to an email that identified the Council's concerns and also set out the recommendation for refusal of the application. The Council, not unreasonably, identified that the changes requested were more than minor and therefore a new application was necessary. Nonetheless the absence of a pre-application advice service undoubtedly hindered any collaboration between the parties.

6. The National Planning Practice Guidance clearly supports pre application discussions, noting that “each party involved has an important role to play in ensuring the efficiency and effectiveness of pre-application engagement”. While not specifically referred to the Council’s suspension of the pre-application service, citing team capacity and staff shortages, correspondence with the COVID-19 pandemic. Nonetheless, costs can only be awarded in relation to unnecessary or wasted expense at the appeal, I have however taken into account relevant behaviour and actions at the time of the planning application in the determination of this costs application.
7. With regards matters of precedent and adjacent relevant planning permissions, I note that the Council specifically referred to the presence of a flat to the rear of 2 Gale Crescent in the Officer’s Report and while this lacks the considered detail of the appellant’s submissions, it nonetheless demonstrates that the Council was aware of and had reference to other developments in the area.
8. Turning to the reason for refusal, the Decision Notice provides a narrative detailing the issues with the application and adequately articulates the reasons in respect of character and appearance and the living conditions of occupiers of neighbouring properties and car parking. While the Decision Notice could have benefited from revision to be more concise and structured it is nonetheless adequately identifies the issues and the relevant policies.
9. 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