The Planning Inspectorate

Costs Decision

Site visit made on 27 April 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Costs application in relation to Appeal Ref: APP/E0915/W/21/3266806
Land at Deer Park, Carlisle CA3 9PS

- 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 Gleeson Homes for a full award of costs against Carlisle City Council.
- The appeal was against the refusal of planning permission for the erection of 80no. dwellings.

Decision

1. The application for an award of costs is allowed in the terms set out below.

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. It is the appellants case that the Council behaved unreasonably resulting directly in them incurring unnecessary expense in the appeal process, specifically regarding substantiating the reason for refusal, reference to relevant consultation responses and Policy CM2 of the Development Plan.

4. The consultation responses from Cumbria County Council, submitted by the appellant, are clear and unambiguous. Confirming that there is no current shortage of places and the issue of school place planning is not expected to impact on the decision of the Planning committee on the proposed Deer Park development. No substantive evidence has been presented to the contrary. Furthermore, in determining the appeal it was found that the appeal scheme complied with the provisions of Policy CM2 of the development Plan.

5. As a consequence, the appellant has been faced with unnecessary delay and the expense of lodging the appeal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

7. 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

Carlisle City Council shall pay to Gleeson Homes, the costs of the appeal proceedings described in the heading of this decision.

8. The applicant is now invited to submit to Carlisle City 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.

Mark Brooker

INSPECTOR