The Planning Inspectorate

Costs Decision

Site visit made on 24 February 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2022

Costs application in relation to Appeal Ref: APP/C9499/D/21/3289177
Casterton Cottage, Casterton, Kirkby Lonsdale, LA6 2SF

- 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 and Mrs Stuart Wilkie against the decision of the Yorkshire Dales National Park Authority.
- The appeal was against the refusal of planning permission for demolition of existing garage, potting shed and part of the single storey utility room, the addition of double storey extensions and single storey replacement garage, workshop/studio.

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 appellants consider that the Council has behaved unreasonably by issuing its decision four weeks after submission of the application, without providing the opportunity to engage in discussion or time to submit amendments to the proposal. In this regard, the appellants draw attention to the officer's report indicating that some form of extension at the property would be possible.

4. The appellants also state that there was no reason to presume that the planning application the subject of the appeal would be unsuccessful, having regard to the manner in which an applicable policy had been consistently applied prior to the expansion of the Yorkshire Dales National Park Authority.

5. In respect of this last point, the Council's officer's report provided clear reasoning, setting out precisely why it was considered that the proposal did not meet policy requirements. There is no substantive evidence before me to demonstrate that, by refusing the planning application in the way that it did, the Council acted inconsistently. Further, there is nothing before me to lead me to conclude that any previously approved development was so similar to the proposed development as to provide for a direct comparison. Consequently, I find that the Council did not act unreasonably in this regard.

6. The Council offers a pre-application advice service and the appellants did not take advantage of this prior to submitting the planning application.

7. Evidence has been provided to show that further to receipt of the relevant planning application and prior to determining it, the Council informed the appellants' agent in writing that the application did not meet relevant planning policies.

8. The Council provided detailed and clear information in this regard. In doing so, the Council clearly recommended that the application be withdrawn and that the proposal be re-considered. In providing this recommendation, the Council also advised that pre-application advice be sought prior to re-submission.

9. In this regard, there was no "grey area" to suggest that perhaps negotiation would lead to a change in the Council's position prior to determination of the application. The Council pointed out clear and specific reasons why it considered that the proposal failed to meet policy requirements.

10. There is nothing to suggest to me that anything other than a revised planning application incorporating significant changes would be recommended for planning approval; and I am satisfied that the Council acted reasonably in making this clear, in writing, to the appellants.

11. The Council determined the planning application three days after emailing its recommendation for withdrawal. The appellants had time to withdraw the application prior to determination and did not do so. During this time, an enquiry was made on behalf of the appellants as to whether or not the appeal property was a non-designated heritage asset, but this is not something that had any impact on the Council's position.

12. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N McGurk

INSPECTOR