



Costs Decision

Site visit made on 7 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Costs application in relation to Appeal Ref: APP/A2335/D/21/3288923 and APP/A2335/D/21/3282439

Clover Rock, 11B The Grove, Crag Bank, Carnforth, Lancashire LA5 9JE

- 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 D Cardwell for a full award of costs against Lancaster City Council.
 - The appeal was against the refusal of prior approval for the construction of an additional storey to an existing dwellinghouse with a maximum roof height of 10.491 metres.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary and wasted expense in the appeal process. Costs cannot be claimed for the period during the determination of the planning application although behaviour and actions at the time of the planning application can be taken into account in my consideration of whether or not costs should be awarded.
3. The Applicant's case for seeking an award of costs is grounded in substantive matters. Specifically, they consider that the Council incorrectly interpreted condition AA.2.(3)(a)(ii) of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
4. It is clear from the officer report that the Council determined that the relevant provisions of the GPDO allowed for the effect of the proposal on the wider area to be taken into consideration and thus it assessed the proposal accordingly. Although the Applicant disagreed with this approach, and provided other decisions to support this stance, the Council's assessment was supported by substantive reasons. Furthermore, the recent High Court judgment¹ has confirmed that consideration can be given to the external appearance of the wider area.

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

5. I therefore find that the Council did not act unreasonably in coming to its decision in this respect. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A claim for costs is not therefore justified and accordingly it is refused.

H Ellison

INSPECTOR