
Costs Decision

Site visit made on 18 October 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2023

Costs application in relation to Appeal Ref: APP/E0915/W/22/3300088 Rose Cottage, Laversdale Lane End, Laversdale, Carlisle CA6 4PS

- 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 Armstrong for a full award of costs against Carlisle City Council.
 - The appeal was against the refusal of planning permission for the change of use of self-contained annexe to a dwelling.
-

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.
3. The applicant's claim is grounded in substantive matters, namely that the Council failed to take into consideration all relevant matters and substantiate their concerns.
4. It can be seen from the appeal decision that I consider the change of wording between paragraph 79 of the previous version of the National Planning Policy Framework (the Framework) and updated paragraph 80, and the effect of this with respect to the Wiltshire judgment¹, to be of no relevance to the appeal. Nevertheless, I consider that the Council comprehensively addressed this matter within its submitted evidence and clearly set out its interpretation. Whilst the Council's approach differed from the applicant's interpretation, this was a matter of planning judgment.
5. Additionally, even though I have not seen a response from the Council's Highway Authority, the Council was nevertheless able to consider the effect of the proposal in terms of vehicle movements. In this respect, it set out what it determined to be the main differences between the existing and proposed arrangement within its Officer Report.

¹ Wiltshire Council v SSHCLG & Mr W Howse [2020] EWHC 954 (Admin)

6. It substantiated its claim that vehicle movements would be more as it considered that the occupation of the annexe as a separate dwelling would lead to increased trips, outlining that less trips and more linked trips are likely to occur if the building was occupied as an annexe. Therefore, although I have found the harm in respect of a potentially slight increase in vehicle movements to be limited, which led me to a different conclusion to the Council on this matter, I consider that the Council nevertheless considered all relevant material considerations.
7. The applicant has also raised concerns that the Council referred to an example at Farndale which it considers was of no relevance. However, as can be seen in the appeal decision, I am unable to make a full assessment on its relevance based on the information provided to me.
8. The evidence before me indicates that the Council's assessment of the proposal was clearly supported by objective analysis, having regard to the development plan, national policy and site-specific material considerations. The reason for refusal was fully substantiated throughout the planning application and the appeal process.
9. Therefore, I find that there were fundamental disagreements between the main parties relating to the merits of the proposal and as such, the appeal process was unavoidable. I therefore conclude that the Council did not act unreasonably and thus the applicant did not incur unnecessary or wasted expense, as described in the PPG. A claim for costs is not therefore justified and accordingly it is refused.

H Ellison

INSPECTOR