
Costs Decision

Site visit made on 23 January 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

**Costs application in relation to Appeal Ref: APP/Q9495/W/23/3328126
Land opposite Plantation Filling Station, Plantation Bridge, Staveley,
Kendal LA8 9JA**

- 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 Chadwick for a partial award of costs against the Lake District National Park Authority.
 - The appeal was against the refusal of the Authority to grant planning permission for the erection of two local occupancy dwellings.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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 process¹.
3. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the procedural handling of the case, and the substance of the matter under appeal. The applicant's cost claim is made on the basis that the Highway Authority (HA) supported the application and therefore reason for refusal number 3 was not substantiated.
4. The HA appears to have offered support for the proposal and indicated a preference for a particular layout at the pre-application enquiry stage. However, the PPG advises pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application².
5. The HA consultation response made during the formal application process is not entirely clear, but it does indicate that there were concerns regarding the creation of the new access³. There is no evidence before me to indicate that the applicant attempted to address or refute the HA's position with regard to possible solutions to improve the safety of the access.
6. Irrespective, the HA is a consultee and the effect on highway safety is ultimately a matter of judgement for the decision-maker. The HA's responses are referenced and acknowledged in the Authority's officer report but nonetheless, the officer made their own judgement on the planning merits of

¹ Paragraph: 028 Reference ID: 16-028-20140306.

² Paragraph: 011 Reference ID: 20-011-20140306.

³ As provided in the applicant's final comments.

the proposal in respect of highway safety. This led to reason for refusal number 3. Although I have not shared the Authority's view in my decision, I am satisfied that it substantiated its position with regard to this matter. I find no evidence has been presented to indicate that the Authority behaved unreasonably in this regard.

Conclusion

7. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not therefore justified.

M Clowes

INSPECTOR