



Costs Decision

Site visit made on 20 August 2025

by **A Veevers BA(Hons) PGDip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th October 2025

Costs application in relation to Appeal A Ref: APP/F0935/D/24/3354179 Green Farm, The Green, Wetheral, Cumbria CA4 8ET

- 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 Hargreave for a full award of costs against Cumberland Council.
 - The appeal was against the refusal of planning permission for summerhouse and conservatory.
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Appeal B Ref: APP/F0935/Y/24/3354167

Green Farm, The Green, Wetheral, Cumbria CA4 8ET

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Hargreave for a full award of costs against Cumberland Council.
 - The appeal was against the refusal of listed building consent for replacement of PVCu windows and doors to reinstate wooden windows and doors, removal of existing cement pointing on the rear elevation to replace with lime mortar, retention of the existing timber summer house, and retention of the existing PVCu conservatory.
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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. The PPG advises that awards may be procedural relating to the appeal process, or substantive relating to the planning merits of the appeal. The PPG makes it clear that costs cannot be claimed for the period during the determination of the original application, although behaviour of the parties at this time can be taken into account. In this case, the applicant has sought a full award of costs against the local planning authority (LPA) on both substantive and procedural grounds.
4. The substantive matters concern the LPA preventing development which the applicant believes should clearly be permitted; that the LPA did not identify what the significance of the listed building is in order that the effects of the proposal could be properly assessed, thus acting contrary to advice in the National Planning Policy Framework (the Framework); did not take into account available evidence, including the applicant's Heritage Asset Statement (HS), and did not mention

¹ Planning Practice Guidance, Paragraph: 028 Reference ID: 16-028-20140306.

comments of the Council's own specialist advisor, thus failed to take a balanced assessment of the proposal.

5. The Council's officer reports (ORs) in relation to both applications set out in detail the relevant statutory and other material considerations that should be taken into account when assessing the proposals. This includes reference to Historic England guidance and a direct quote from the Framework that LPAs are required to identify and assess the particular significance of any heritage asset (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Although essentially a quote from Green Farm's list entry², the ORs go on to set this out and then briefly state the reasons why the separate elements of the proposals are considered to be acceptable or unacceptable.
6. The ORs do not explicitly explain all the aspects of the listed building which contribute to its special interest and significance, which could have detailed the particular elements of its significance that the LPA considered were pertinent to the appeals. Instead, the ORs refer to the 'character' of the building, which is not the same as its significance. Nevertheless, while not using the term significance, the ORs identify that the proposed conservatory would be 'unduly bulky and visually prominent', 'fail to respect the architectural and historic interest of the property' and 'its location, design and materials bears little resemblance or empathy to the listed building' which shows an understanding of the building's significance. Moreover, the Framework requires only a level of detail proportionate to the assets' significance and no more than is sufficient to understand the potential impact of the proposal on its significance.
7. The LPA planning officer would also have been aware of comments from the Urban Design and Conservation Officer in relation to the applications in reaching their conclusion. It is not necessary for an OR to refer to all documents or consultation responses received in relation to an application, particularly where consultees are not statutory or relate to internal memorandums, as is the case here. This does not demonstrate that those comments were not taken into account. The ORs refer to the applicant's HS and thus clearly took this into consideration in reaching the decision.
8. Drawing all of the above together, I conclude that the LPA has not demonstrated unreasonable behaviour in relation to substantive matters.
9. The applicant's case in relation to procedural matters is that the LPA did not take into account the advice of their own specialist Urban Design and Conservation Officer or delegated procedures and failed to publish that advice.
10. The PPG states that the behaviour of an LPA which may give rise to a procedural award of costs relates to unreasonable behaviour 'at the appeal'³. There is no substantive evidence before me which demonstrates that the LPA did not co-operate with the applicant during the appeal.
11. The applicant's claim of misconduct by the LPA relates to the determination of the application. Even if I took this into account, while I sympathise with the applicant in that he sought advice from the Urban Design and Conservation Officer prior to

² National Heritage List for England List Entry Number: 1335513

³ National Planning Practice Guidance. Paragraph: 047 Reference ID: 16-047-20140306.

submitting the applications, indeed prior to purchasing the appeal property, and acted upon that advice in good faith, the decision is ultimately that of the planning officer. Whether they choose to follow the advice of consultees or how much weight to give it is their prerogative, having regard to all material considerations.

12. Evidence indicates the planning officer sought and obtained the appropriate advice of the Council's Urban Design and Conservation Officer in compliance with the Council's scheme of delegation. This scheme does not say that advice has to be followed. Nor is the LPA statutorily bound to publicise internal advice. In any event, the applicant was aware of comments in relation to the scheme from his own correspondence with the Urban Design and Conservation Officer. This is not demonstrative of unreasonable behaviour by the LPA in relation to procedural matters in the terms set out in the PPG.
13. While it could have been made clearer in the ORs, the Council's reasons for refusal as set out in the decision notices are complete, specific and relevant to the applications. Albeit referring to section 66(1) rather than section 16(2) in relation to the proposal for listed building consent, although they that have the same effect, it also clearly indicates that the proposal was determined in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, relevant development plan policies and guidance in the Framework.
14. My decision on the appeals sets out my reasoning as to why I agree with the conclusions reached by the LPA. Thus, I consider that their conclusion that the conservatory should be refused was not unreasonable and the LPA did not therefore prevent an otherwise acceptable form of development. Ultimately, the refusal of the applications in relation to the conservatory was the result of a fundamental disagreement between the parties which could have only been resolved by way of an appeal. As a consequence, I do not find that this has caused the applicant unnecessary or wasted expense through unreasonable behaviour.

Conclusion

15. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not warranted.
16. The application is therefore refused.

Ann Veevers

INSPECTOR