



Costs Decision

Site visit made on 15 January 2026

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Costs application in relation to Appeal Ref: APP/Q9495/W/25/3372924

Land at Fairfield, Eskdale Green CA19 1UA

- 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 R Irving for a full award of costs against Lake District National Park Authority.
 - The appeal was against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
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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 process.
3. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. In this case, the applicant contends that the Development Control Committee as decision maker for the Authority, acted unreasonably by trying to prevent any development of the site, through refusal of the reserved matters, despite having had a recommendation for approval from Officers.
4. The Report of the Head of Development Management to the Development Control Committee was clear in establishing that the principle of constructing three dwellings in this location had been established by the grant of outline planning permission¹, and that this matter could not be re-addressed. While this report provided a positive recommendation for the appeal scheme, the members of a planning committee are not bound by the recommendation of officers.
5. The Authority's refusal reason explains that the appearance of the development, by virtue of its mass, volume and design, failed to reflect the appearance of surrounding development or reinforce local distinctiveness, resulting in harm to the character and appearance of the area. Reference is then made to relevant development plan policies. This reasoning is clear and precise, and related only to the reserved matter of appearance, which remained to be determined.

¹ Appeal reference: APP/Q9495/W/21/3279281, application reference: 7/2020/4077.

6. The Authority's Statement of Case (SoC) sets out that it considered the main issue in the appeal to be the design of the development and its impact on the character and appearance of the area. The SoC goes on to provide detailed commentary on the unsuitability of the appearance of the proposal, having regard to its context, as well as relevant local planning policy, supplementary planning guidance and landscape character assessment. This supporting information is specific to the reserved matter of appearance and is well-reasoned.
7. The appellant has provided no substantive evidence to demonstrate that the Authority considered matters beyond the scope of the application before it, or sought to purposefully prevent any development of the site, by refusing the reserved matters application erroneously, or without reasoned justification. Therefore, I am unable to conclude that the Council has behaved unreasonably in the manner suggested by the applicant.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S Brook

INSPECTOR