

Local Planning Authority Response to Claim for Costs

Appeal Reference Number: 6015757

Address: 20 Lingmell Crescent, Seascale, Cumbria, CA20 1JZ

Planning Application Reference: 4/26/2115/0F1

Start Date: 9 September 2026

The Council does not consider that it has acted unreasonably in its consideration of the planning application which is the subject of this appeal. Consequently, it refutes the claim of costs that has been made by the Appellant.

Costs can only be awarded where there has been unreasonable behaviour causing unnecessary or wasted expense. A disagreement over planning judgment does not amount to unreasonable behaviour.

The refusal of the Full Planning Application has been justified and based on adopted development plan policies and material planning considerations applicable at the time that the decision was taken.

The Council reached a legitimate planning judgment that the proposal would harm the character and appearance of the area and is fundamentally unacceptable.

Securing minor amendments and/or the imposition of planning conditions would not have overcome the fundamental concerns and hence these were not suggested or encouraged.

The assessment of character, appearance, visual impact and value are matters of professional planning judgment.

The Council clearly identified concerns during the application process before the determination of the planning application and communicated these to the Applicant offering the opportunity to withdraw the Full Planning Application or have the Full Planning Application determined as submitted.

There is no obligation for the Council to continue negotiations where it is considered the Full Planning Application is fundamentally unacceptable.

Costs associated with preparing revised evidence as part of an appeal case are part of the normal appeal process.

The appeal scheme differs from the Full Planning Application scheme determined by the Council. The Applicant now relies on revised proposals, landscaping measures and supporting evidence not before the Council. These were not formally submitted as part of the application process and cannot now be relied upon as a justification for unreasonable behaviour. These revisions should not be considered by the Planning Inspector as part of the appeal process and certainly cannot be relied upon as grounds for unreasonable behaviour.

To clarify this point the original documentation that was submitted with the planning application is publicly available on the Councils web site -

<https://www.cumberland.gov.uk/planning/application/42621150f1>

It should be noted that the appellant has previously submitted two planning applications for the same development on the same land namely:-

- Application reference 4/25/2313/0F1 - CHANGE OF USE OF AMENITY LAND TO DOMESTIC USE, ERECTION OF A FENCE AROUND ITS PERIMETER AND RELOCATION OF EXISTING PEDESTRIAN ROUTE
- Application reference 4/25/2235/0F1 - ERECTION OF A 1.8-METRE-HIGH GARDEN FENCE

Both applications were formally withdrawn by the appellant prior to determination following concerns raised by the Council. Consequently, the Appellant was well aware of what the material issues were prior to the submission of the third planning application which is now subject of this appeal. He was aware that the same scheme was unlikely to be supported by the Council. He also chose not to request any formal pre application advice prior to the submission of the same scheme for consideration by the Council.

On the basis of the above the LPA does not consider that it has acted unreasonably in the consideration of the planning application and asks the Planning Inspector to respectfully dismiss any claim for costs relating to this appeal.