

Costs Decision

Site visit made on 9 September 2016

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2016

Costs application in relation to Appeal Ref: APP/A5270/D/16/3150221 1 Derwent Road, Ealing, Southall, UB1 2UJ

- 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 Zoheb Chaudhry for a full award of costs against the Council of the London Borough of Ealing.
 - The appeal was against the refusal of planning permission for a retrospective application for existing veranda.
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Decision

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

Reasons

2. Planning Practice Guidance 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 appellant states that the Council acted unreasonably by refusing the application despite there being local precedents and that a substantial number of the reasons for refusal are not applicable and therefore the decision was unfounded on any legal principal.
4. In respect of the existence of precedents, there was no evidence that any of these made a positive contribution to local character. Notwithstanding this, the Council provided evidence to demonstrate that the development was harmful and was under no requirement to grant planning permission on the basis of precedent.
5. The Council provided a clear, well-argued case, setting out why, in its view – with specific regard to adopted planning policies – the development should be refused. The Council, in its officer's report, clearly set out a range of factors, which it considered amounted to harm. Whilst I did not concur with all of the Council's conclusions, it presented a clear planning case in support of its reasons for refusal and in so doing, it acted reasonably.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

N McGurk

INSPECTOR