
Costs Decision

Site visit made on 6 September 2016

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 21 September 2016

Costs application in relation to Appeal Ref: APP/Z5630/W/16/3152710 Land at 99 Ditton Road, Surbiton KT6 6RJ

- 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 Gilbert Andrews of Milverton Nursing Home for a full award of costs against the Royal Borough of Kingston Upon Thames Council.
 - The appeal was against the refusal of planning permission for the construction of a first floor rear extension to an existing nursing home to provide additional guest rooms and additional staff facilities.
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Decision

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

Reasons

2. 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. The PPG states that awards against a Local Planning Authority may be either procedural or substantive.
3. I understand that there were delays between the submission of the planning application and the determination and subsequent issue of the decision notice. However, as the Council rightly points out, the applicant did have a right to appeal against the non-determination of the planning application; and whilst I have not been provided with written evidence, it appears that there was some, albeit limited, communication between Officers and the applicant's agent with respect to the progress of the proposal.
4. Whilst the PPG is quite clear that it states that a Local Planning Authority should give the applicant a proper explanation if it fails to determine an application within the time limits, on its own, I consider that the Council has not behaved so unreasonably from a procedural perspective such as to warrant an award of costs.
5. With regard to substantive matters, I found within my appeal decision that planning permission should be granted, with the proposal being in accordance with the Development Plan and National Policy. The Council substantiated, with evidence, its reasons for refusal, and within its statement supported their position with respect to the proposal's impact

upon the character of the host building, as well as upon, the Conservation Area.

6. I consider that the Council's reasons for refusal were precise and therefore I find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for a full award of costs is therefore refused.

C J Tivey

INSPECTOR