
Costs Decision

Site visit made on 18 October 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 7th November 2016

Costs application in relation to Appeal Ref: APP/L5810/W/16/3151482 27 Orleans Road, Twickenham, Richmond upon Thames TW1 3BJ

- 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 Ammes Gardner for a full award of costs against the Council of the London Borough of Richmond-upon-Thames.
 - The appeal was against the grant subject to conditions of planning permission for Demolition of existing industrial building (Use Class B2) and erection of a single family dwelling house (Use Class C3) including associated works.
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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 local planning authorities are at risk of an award of costs where they behave unreasonably by preventing or delaying a development which should clearly be permitted having regard to its accordance with the development plan.
 3. The application for costs is made on the grounds that the Council acted unreasonably in delaying a development which should have been permitted having had regard to the development plan and failed to produce evidence to substantiate its reasons for refusal.
 4. The Council's Officer report is clear in that it considered that the number of parking permits issued exceeded the number of parking spaces available in the controlled parking zone and that this would have highway safety implications.
 5. The Officer's report makes reference to the appellant's Transport Statement and raises questions over its findings following consultation with the Council's Transport Department. The Council makes reference to perceived conflicts with relevant policies and is entitled to make its own planning judgement, and the reasons for that judgement are clearly explained. On this basis, I find the Council did not act unreasonably in arriving at its reason for refusal.
 6. I acknowledge there were no objections received from residents living nearby. However, all consultation responses received were clearly considered in the Officer's report. Furthermore, whilst the Council did not seek clarification on items of concern with the appellant's Transport Statement, even if clarification
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was sought, there is no substantive evidence before me to indicate that this would have altered the Council's view. Thus it seems to me that the appeal was inevitable.

7. For these reasons, I consider that the Council has acted reasonably in the handling of this planning application and therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR