
Costs Decision

Site visit made on 4 October 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 14 November 2016

Costs application in relation to Appeal Ref: APP/L5810/W/16/3149816 4 Hollybank Close, Hampton, Richmond upon Thames TW12 3EE

- 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 & Mrs Rob & Zohra Ghosh for a full award of costs against the Council of the London Borough of Richmond-upon-Thames.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for single storey, front porch, side and rear extensions & loft hip to gable with dormers added front and rear at loft level.
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Decision

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

Reasons

2. The 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 application was not determined by the Council and had been registered with it for some months before the appeal was submitted. However, I am aware that the Council had a number of concerns in relation to the proposal and had made the applicant aware of these. From the evidence provided to me, I am aware that a number of amendments had been made to the proposal with the most recent being submitted a few days before the appeal was registered. This would not have given the Council a suitable period of time to assess the amendments or undertake further consultation. Whilst I understand the sense of frustration with the length of time taken to consider the application, it would not be reasonable to assume that the Council has behaved unreasonably in the procedure leading up to the appeal.
 4. The Council have identified two matters which it considers are the main issues to be considered in relation to the proposal. It will be seen from my appeal decision that I agree with the Council in relation to the identification of the main issues and that I conclude that the appeal should be dismissed in relation to both of these issues.
 5. As a result it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.
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Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated. Therefore no award is made.

David Cross

INSPECTOR