

Costs Decision

Site visit made on 24 October 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 24th November 2016

Appeal Ref: APP/L5810/D/16/3155347

Bastians, Hampton Court Road, Hampton KT8 9BY

- 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 David Weston for a full award of costs against the London Borough of Richmond Upon Thames.
 - The appeal was against the refusal of planning permission for a proposal described as 'Replacement front Garage door and widening garage door by 100cm (1m) to right hand side of existing (East)'.
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Decision

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

Reasons

2. National Planning Practice Guidance (the Guidance) advises that, costs may only 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 appeals process.
3. The Guidance further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally the Guidance is clear that costs cannot be claimed for the period during the determination of the planning application. However, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. The appellant's application for an award of costs states that the Council behaved unreasonably. However, whilst I have found in favour of the appellant and allowed their appeal; there is no substantive evidence before me that sets out or explains the alleged unreasonable behaviour of the Council in relation to their consideration and determination of the application or their conduct in the appeal process. This conclusion is not altered by the appellant's income tax contributions over the past 4 years or the time spent in preparing their appeal.
5. In conclusion I find that it has not been demonstrated that the Council behaved unreasonably in determining the planning application and that the appellant's costs in mounting the appeal were not unnecessarily incurred. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Jameson Bridgwater

INSPECTOR
