

Costs Decision

Site visit made on 28 November 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 12th December 2016

Costs application in relation to Appeal Ref: APP/Z3635/W/16/3157227 218 Stanwell Road, Ashford, TW15 3QU

- 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 Anthony and Mrs Sonia Denton for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of planning permission for subdivision of existing dwelling to 1 x one bed dwelling and 1 x three bed dwelling.
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Decision

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

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. The appellant considers that the Council acted unreasonably in refusing the application and contends that they also failed to adequately substantiate their case in relation to the proposal's impact.
 3. The Council's case was based on whether the proposed development would provide adequate accommodation for future residential occupiers, having regard to the Council's own internal space standards, and those provided in the *Technical Housing Standards – nationally described standard* (THS). I have found the Council reasonable in taking the national standards into account. I have also found, based on the submitted plans and my observations on site, that the Council were reasonable in coming to the view that the property would be capable of being used as a two bedroom dwelling and that the proposal would therefore fail to comply with the National Standard. It follows that as I concur with the Council in this regard, I do not consider that they behaved unreasonably in reaching the same conclusion.
 4. Both parties refer to a complaint against the Planning inspectorate in relation to appeal decision ref APP/Z3635/A/14/2224059. This dates from the 11th of September 2016 and post-dates the Council's decision in relation to this appeal. It was not therefore unreasonable for the Council to not take it into account in its decision. Furthermore, I am satisfied that the complaint relates to a procedural matter and would not have been material to the Council's consideration of the merits of the application in any case. The appellants have also expressed concerns regarding their interactions with the Council during the pre-application and application process. Whilst this must have caused the
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appellant some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the appellant.

5. It follows that the Council did not delay development which should clearly have been permitted, having regard to local and national policy and any other material considerations. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in *Planning Practice Guidance*, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Anne Jordan

INSPECTOR