
Costs Decision

Site visit made on 7 November 2016

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 12 December 2016

Costs application in relation to Appeal Ref: APP/X5990/H/16/3151340 Trocadero, 13 Coventry Street, London, W1D 7DH

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Urban Vision Ltd for a full award of costs against City of Westminster Council.
 - The appeal was against a refusal to grant express consent for display of a scaffolding shroud advertisement comprising of a 1:1 replica image of the building façade on to the Coventry Street frontage including two inset externally illuminated poster displays measuring 13 m x 7 m and 8.5 m x 10.5 m for a temporary period of 18 months.
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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 main thrust of the applicants' case is that the Trocadero is suitable for an advert of this type. In making this submission reliance is placed on three recent appeal decisions where adverts have been allowed¹.
3. The Council has explained clearly why it considers the appeal scheme to be unacceptable. The reason for refusal is clear and precise. In addition a full statement was produced to support the case at appeal. This assesses the scheme and provides a clear explanation of why the Council considers this scheme to be distinct from the examples provided by the appellants. Further whilst I note the appellants consider feedback on the scheme should have been given it is unlikely that this would have prevented the need for an appeal given the Council's position.
4. I understand that other adverts have been allowed. Nevertheless, the Council, as I have, quite reasonably judged this scheme on its merits having regard to the relevant considerations.
5. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs.

D J Board
INSPECTOR

¹ APP/X5990/H/14/2228711; APP/X5990/H/14/2228333; APP/X5990/Z/16/3144353
