
Costs Decision

Site visit made on 28 November 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 11th January 2017

Costs application in relation to Appeal Ref: APP/Q3630/W/16/3158024 Chertsey Boulevard, Hanworth Lane, Chertsey, Surrey KT16 9JX

- 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 Marchdown Residential Limited for a full award of costs against Runnymede Borough Council.
 - The appeal was against the refusal of planning permission for the development of one apartment block to provide 4 dwellings, comprising two 1 bed flats and two 2 bed flats with associated landscaping and car parking.
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Decision

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

Reasons

2. The national Planning Practice Guidance (PPG) states that parties in planning appeals normally meet their own expenses but that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in this context may be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
 3. This application has been made with reference to the examples of the types of behaviour that may give rise to a substantive award against a local planning authority set out in paragraph 049 of the PPG. The examples of unreasonable behaviour cited in this application are that the Council has not substantiated its reasons for refusal adequately and failed to apply the presumption in favour of sustainable development, as required through paragraphs 14 and 49 of the National Planning Policy Framework (the Framework) where a five-year supply of available housing sites cannot be demonstrated. Consequently the applicant considers that the Council has prevented a development which should clearly have been permitted.
 4. From the evidence it would appear that the Council has engaged proactively in this proposal but has been consistent in concerns, not in respect of its intrinsic architectural design, but over the resulting layout and the level of amenity for existing and future occupiers that would result. This is largely a subjective matter but given my decision on the appeal supports the concerns of the Council I cannot find the refusal of planning permission to be either unreasonable or unsubstantiated.
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5. The Council had determined this proposal on the basis of the development plan, finding the policies applied to be consistent with the Framework principle to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. That I have found the adverse impacts in respect of design to significantly and demonstrably outweigh the wider benefits of the proposal, when assessed against the Framework policies taken as a whole, indicates that the Council's decision accords with the presumption in favour of sustainable development. Consequently the Council has not prevented a development which should clearly have been allowed.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. I conclude therefore that an award of costs in this case is not justified.

Jonathan Price

INSPECTOR