

Costs Decision

Site visit made on 20 December 2016

by L Fleming BSc (Hons) 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/L3625/D/16/3155182 55 Downs Way, Tadworth KT20 5DU

- 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 Cooke for a full award of costs against Reigate & Banstead Borough Council.
 - The appeal was against the refusal of planning permission for a two storey side extension.
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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.
 3. The appellant alleges that the Council has acted unreasonably in reaching its decision on the planning application, particularly by not allocating the case to an Officer who had not been involved in a previous application relating to a similar proposal on the same site. However, this allegation relates to events which mainly took place before the appeal was lodged as opposed to the merits of the decision and thus is not a matter for my consideration.
 4. It is also alleged that the Council has failed to produce evidence to substantiate each reason for refusal and made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. Furthermore, it is alleged the Council attached too much weight to the objections of a neighbouring resident.
 5. However, in my view each reason for refusal is substantiated by the Officer's Report. The first reason for refusal is substantiated by a reasoned judgment about the impacts of the proposed development on the occupants of No 57 Downs Way. Whilst the 45 degree guidelines may not have been breached the Council gave clear reasons why it considered the proposal would be harmful to outlook as a result of an overbearing effect.
 6. With regard to the second reason for refusal, the Officer's Report includes an assessment of the proposed development and its impact on the character and appearance of the area with reference to specific elements of the proposal and characteristics of the area.
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7. Thus, in respect of both reasons for refusal, even though I have found that the proposed development would not harm the character and appearance of the area or the living conditions of nearby residents, I find the Council gave clear substantiated reasons for reaching its own view on these matters. Furthermore, there is nothing before me to indicate the Council would have reached a different view had there been no objections to the scheme from residents living nearby.
8. For these reasons, I consider that the Council's decision was not unreasonable on its planning merits and the Council has provided sufficient evidence to support its decision. I therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR