
Costs Decision

Site visit made on 17 January 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 13th February 2017

**Costs application in relation to Appeal Ref: APP/Z3635/D/16/3164300
19 Clifford Grove, Ashford, Surrey, TW15 2JS**

- 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 S Betteridge for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of planning permission for an outbuilding.
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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 applicant has claimed his costs for the lodgement of the planning application, the architect drawings fee, and his time and inconvenience, and also claims that the development would have been approved by the Council, in line with the original officer recommendation, had it not been for the intervention of an occupant of a neighbouring property.
3. The PPG sets out examples of the types of behaviour which could lead to an award of costs, which could result from the local planning authority's handling of a planning application prior to the appeal¹. Having investigated the development and advised the applicant that the outbuilding would require planning permission, the Council assessed the development on its merits once the application was lodged. Although the application was 'called in' for a decision by the Council's relevant planning committee, which decided to refuse the application despite an officer recommendation for approval, this process appears to have been carried out within the Council's adopted framework for decision-making.
4. The development was properly assessed by the Council in line with the provisions of its development plan. Although I reached a different decision in the appeal, its decision was not unreasonable, and there is no evidence to suggest that there were any material considerations to indicate that planning permission should have been granted by the Council.
5. Having found that the development required planning permission, the costs of preparing and lodging the application would have been incurred regardless of

¹ PPG reference ID: 16-049-20140306; revision date: 06 03 2014.

whether an appeal had been made, and I see no evidence of unreasonable behaviour having been displayed by the Council or any other party.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For the reasons given above, I refuse the application for an award of costs.

G Rollings

INSPECTOR