
Costs Decision

Site visit made on 21 March 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 7 April 2017

Costs application in relation to Appeal Ref: APP/X5210/W/16/3165337 Sussex House, Chalton Street, London NW1 1RB.

- 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 Leo Kaufman on behalf of DPA (London) Ltd for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against the refusal of planning permission for a retrospective planning for an as built bike store in Sussex House. .
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Decision

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

Reasons

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense or wasted expense in the appeal process.
 3. The appellant considers that the Council have been vindictive, unreasonable, irrational and unfair, in refusing to grant planning permission for the bike store.
 4. Paragraph 049 of the Planning Practice Guide states that examples of unreasonable behaviour by local planning authorities include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; or preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 5. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It is also clearly states the policies of the London Borough of Camden Local Development Framework Core Strategy and Development Policies that the proposal would be in conflict with. Furthermore, the Council did further support their reason for refusal with a short statement which provided a description of the sites existing character, setting out concerns regard the appearance of the extension, and their concerns regarding its impact on the living conditions of neighbouring residents. They also responded clearly to the appellant's grounds of appeal, and in particular regarding other decisions they had made.
 6. It will be seen by my decision that I did not agree with the Council's decision. However, the decision is a matter of judgement, and I am satisfied, for the
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reasons set out above, that the Council has adequately substantiated its reason for refusal.

7. I understand that the appellant has some concerns over how the Council dealt with the application; however these are not matters that are for my consideration. The Council did not delay in making their decision on the application, which was determined within the requisite statutory time period.
8. Furthermore, I have no evidence before me to substantiate the appellant's claim that the Council has acted in a vindictive, irrational or unfair manner.
9. I have taken into consideration another Inspector's decision¹ to award costs against the Council of the London Borough of Camden which has been brought to my attention. However, the issues of concern in that case were very different to this appeal, and in any event each case must be considered on its own merits.
10. I therefore conclude unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated, and an award of costs is therefore not justified.

Elizabeth Pleasant

INSPECTOR

¹ APP/X5210/W/15/3139042