
Costs Decision

Site visit made on 14 March 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 10 April 2017

Costs application in relation to Appeal Ref: APP/L3625/W/16/3158560 Ashleigh, High Road, Chipstead CR5 3QN

- 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 Reigate & Banstead Borough Council for a full award of costs against Aventier Land Bank.
 - The appeal was against the grant subject to conditions of planning permission for the demolition of existing dwelling and replacement with 1 detached 5-bedroom dwelling.
-

Decision

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

Reasons

2. I have considered this application in the light of the Planning Practice Guidance (PPG). This advises that costs may be awarded where a party has behaved unreasonably and that the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process.
3. In summary, the Council claims that the condition was necessary and that the appellant failed to appreciate the purpose of the condition and pursued the appeal on weak and unfounded grounds with limited prospect of success.
4. In terms of the substantive issue, I accept that the focus of the appellant's evidence concerned the necessity of the condition in the light of the condition regarding development being carried out in accordance with the approved plans; however, this was not an unreasonable or insufficient argument against the imposition of the condition.
5. While I concluded that the condition was unnecessary, which implies that there was a reasonable prospect of the appeal succeeding, the appellant nonetheless set out sufficiently detailed grounds to support the appeal. I note the Council's reference to paragraph 052 (Reference ID: 16-052-20140306) of the PPG, however I can identify no unreasonable behaviour on the part of the appellant in regard to procedural matters.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and the application for costs therefore fails.

Patrick Whelan

INSPECTOR
