
Costs Decision

Site visit made on 28 March 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 10th April 2017

**Costs application in relation to Appeal Ref: APP/P3610/W/16/3157241
107 Dorking Road, Epsom, Surrey KT18 7JZ**

- 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 Ms S Shelley for a full award of costs against Epsom & Ewell Borough Council.
 - The appeal was against the refusal of planning permission for the construction of 2-bed detached bungalow.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises 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.
3. As set out in my appeal decision I have found that the proposal would not be acceptable in terms of the internal and external accommodation to be provided. The applicant refers to the potential delay in providing the accommodation and that the Council have not applied the correct standards for an elderly person who would be living in the accommodation. The Council refer to the relevant development plan policy and explain the use of national standards. Furthermore, the applicant does not refer to any other specific standards or policies which they consider should be applied other than comparisons to other developments for older people. I am satisfied that the Council have not behaved unreasonably in this respect.
4. I have found that the proposal would not cause harm to the character and appearance of the area. However, I am satisfied that the Council provided adequate justification for their concerns in the delegated officer's report and also clearly referred to the relevant development plan policies. The Council did not behave unreasonably in this regard.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance has not been demonstrated.

L Gibbons

INSPECTOR
