

## Costs Decision

Site visit made on 9 May 2017

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

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

**Decision date: 19 May 2017**

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### **Costs application in relation to Appeal Refs:**

**APP/P5870/C/16/3154202 and APP/P5870/C/16/3154203**

**142 London Road, Wallington SM6 7HF**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - The application is made by the London Borough of Sutton against Mr Adrian Lasrado.
  - The appeals were related to the removal of a window, its replacement with a door and the creation of a roof terrace
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### **Decision**

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

### **Reasons**

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
5. The Council contends that the appellants' appeal on ground (d) had no reasonable prospect of succeeding and that, having to respond to it, led to unnecessary loss or wasted expense in the appeal process on their part.
6. The appellants do not respond in any detail to the Council's application for a partial award of costs. Instead there is a counter-claim for costs made against the Council which I have dealt with separately.
7. Having considered all of the factors relating to this case, I acknowledge that the appellants have acted unreasonably in not putting forward any relevant evidence relating to why it was too late for the LPA to take enforcement action.
8. However, in my view any costs implications for the Council must have been negligible. It is evident that the appellants have been somewhat confused by the various grounds. They have also introduced matters which are not directly related to the grounds pleaded. It is clear that the Council already had the photographic evidence as part of their appeal documents and only needed to refer to these to refute the ground (d) appeal. In doing so it is difficult to understand how this led to any measurable, unnecessary loss and expense.
9. In order to be successful a claim for costs must indicate that the unreasonable behaviour led to unnecessary loss and expense. I am not convinced that this has been the case in this instance and so the application fails.

*Anthony J Wharton*

Inspector

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