



Department for
Communities and
Local Government

Alex Woolcott
Winckworth Sherwood LLP
Minerva House
5 Montague Close
London
SE1 9BB

Our Ref: **APP/Z5630/W/16/3159298**

Date: 12 September 2017

Dear Sir

LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY SPENHILL DEVELOPMENT LTD
AT FORMER GOVERNMENT OFFICES, KING GEORGE'S GATE, HOOK RISE
SOUTH, SURBITON, KT6 7LE
APPLICATION REF: 15/10074/OUT

APPLICATION FOR AN AWARD OF COSTS

1. I am directed by the Secretary of State to refer to the enclosed letter notifying you of his decision on the above named appeal.
2. This letter deals with your client's application for a full award of costs against the Council. The application as submitted and the response of the Council are recorded in the Inspector's costs report, a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's costs report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.
4. The Inspector's conclusions and recommendation with respect to the application are stated at paragraphs 44-56. The Inspector recommended that a partial award of costs is justified on the basis of that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that for the reasons given a partial award of costs is justified.

5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in his report and accepts his recommendations. Accordingly, he has decided that a partial award of costs, as specified by the Inspector at paragraph 56 is warranted on grounds of unreasonable behaviour on the part of the Council.
6. Accordingly, the Secretary of State, in exercise of his powers under section 250(5) of the Local Government Act 1972 and sections 78 and 320 of the Town and Country Planning Act 1990, HEREBY ORDERS that the Council shall pay to the developer its partial costs of the inquiry proceedings limited to the costs of the appeal proceedings described in the heading of the Inspectors report incurred by Spenhill Developments Limited up until 2 February 2017, such costs to be taxed in default of agreement as to the amount thereof.
7. You are invited to submit to the Council details of those costs, with a view to reaching agreement on the amount. Guidance on how the amount is to be settled where the parties cannot agree on a sum is at paragraph 44 of the Planning Practice Guidance on appeals, at <http://tinyurl.com/ja46o7n>

Right to challenge the decision

8. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the day after the date of the Costs decision.
9. A copy of this letter has been sent to the Council.

Yours faithfully,

Richard Watson

Richard Watson

Authorised by the Secretary of State to sign in that behalf