The Planning Inspectorate

Costs Decision

Site visit made on 11 September 2018

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2018

Costs application in relation to Appeal Ref: APP/L5810/W/18/3195762
Land near Sunnyside Reservoir, Lower Hampton Road, Sunbury on Thames TW16 5PR

- 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 David Taylor for a full award of costs against the Council of the London Borough of Richmond-upon-Thames.
- The appeal was against the refusal of planning permission for a proposal to replace 2 derelict storage buildings and associated hard standing with two 4 bedroom detached houses.

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.

3. The application for costs essentially relies on the unreasonable behaviour of the Council at the pre-application stage and in determining the application. This includes that the Council acted unreasonably in refusing to provide the applicant with written pre-application advice and evidential proof that the appeal site had been formerly designated as Green Belt through proper process and the length of time taken to determine the application.

4. Whilst I acknowledge the applicants frustrations in not receiving a written response, the Council did enter into pre-application discussions following receipt of two pre-application enquires (Ref Nos 16/PO222/PREAPP and 14/PO223/PREAPP). The applicant disputes that the site is within the Green Belt as he submits its inclusion did not follow due process. However, it is clear from the email dated 7 August 2017 that the Council did not concur that the Green Belt boundary was erroneous for the reasons given. As the appeal site had been shown as Green Belt on the proposals map for over 20 years, the Council determined the application against the relevant policies of the development plan and found that the proposal constituted inappropriate development. The reason for refusal set out in the decision notice was complete, precise, specific and relevant to the application. The reason for

refusal was adequately substantiated by the Council in its officer report and appeal statement.

5. Although the applicant is of a different opinion, I see nothing unreasonable in the Council's approach. The adopted policies map will generally be definitive and the 1996, 2005 and 2015 development plans were adopted without any challenge to the Green Belt boundary. Additionally this matter was considered recently in the examination of the 2018 Local Plan and the Inspector did not conclude that any main modifications were required.

6. I am also not persuaded that the length of time taken by the Council to determine the application amounts to unreasonable behaviour or led to unnecessary expense in relation to the appeal. The applicant chose not to exercise his right to appeal in relation to the Council's failure to determine the application within 8 weeks.

7. Notwithstanding that I came to a different conclusion to the Council in relation to employment land, I am satisfied that the Council's officer report adequately substantiated the Council's case in relation to this matter. Furthermore, the reason for refusal was compete, precise, specific and clearly stated the policies of the development plan that the Council found the proposal to conflict with.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Caroline Jones

INSPECTOR