



Costs Decision

Site visit made on 4 June 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2019

Costs application in relation to Appeal Ref: APP/Q3630/W/18/3211421 Land to the rear of 299, 301,303,305 and 307 Green Lane, Chertsey KT16 9QR

- 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 Green Lane Chertsey (Developments) Ltd for an award of costs against Runnymede Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for Seven chalet bungalows to the rear of 299,301,303,305 and 307 Green Lane following the demolition of 307 Green Lane (revision of RU.17/1304).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant has applied for an award of costs against the Council's failure to determine the application within the statutory time period.

Reasons

4. It is apparent from the evidence submitted in the appeal process, that prior to the date the Council was due to consider the current application, the applicant had lodged an appeal for non-determination.
5. However, whilst the Council failed to determine the application within the statutory time period, no representations have been put forward by the applicant to demonstrate ways in which it is claimed that the Council had acted unreasonably and that the delay resulted in unnecessary time and cost incurred during the appeal process.
6. Whilst subsequent to the appeal for non-determination having been lodged, the Inspector's decisions in respect of previous multiple appeals for the site were received by the Council on the same day the Council was due to consider the application. On that basis the Council took the decision to withdraw the application from its Planning Committee agenda until such time as the current appeal application could be reviewed, in the light of the previous appeal

decisions. However, this has no bearing on the reasons why the Council failed to determine the application within the statutory time period and in any case the given the applicant had already lodged an appeal for non-determination, the jurisdiction for determining the application by the Council had expired.

7. Based on the evidence before me, I have no reason to conclude that the Council acted unreasonably in failing to determine the application within the statutory time period and therefore this claim appears to have no substance or merit.
8. I have therefore concluded that the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated by the Council. For this reason and having regard to all other matters, the application for an award of costs is refused.

Paul Wookey

INSPECTOR