
Costs Decision

Site visit made on 30 October 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Costs application in relation to Appeal Ref: APP/Q3630/W/19/3234568 231 Chertsey Road, Addlestone, Surrey KT15 2EW

- 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 G Favata for a full award of costs against Runnymede Borough Council.
 - The appeal was against the refusal of planning permission for erection of a two storey side extension, single storey front extension and two storey and single storey rear extensions to the existing dwelling to facilitate the creation of an attached two storey dwelling.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. The application refers to delays and uncertainties in the planning application and appeal processes, but my comments relate only to the appeal process.
3. The applicant contends that the Council's decision to refuse the planning application was unreasonable, that the Council has failed to explain its case, that no evidence been put forward to explain the perceived impacts suggested and that it has failed to properly consider the 'tilted balance'.
4. PPG provides examples of when local planning authorities will be at risk of an award of costs being made against them. These include:
 - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 - failure to produce evidence to substantiate each reason for refusal on appeal.
5. The Council did not produce an appeal statement but instead relied upon its delegated officer report. Nonetheless, the report included detailed comments to substantiate both reasons for refusal of planning permission. Whilst it will be apparent from my decision on the main appeal that I have disagreed with the Council's overall conclusion, this does not mean that the Council's case was

without merit, or that no evidence was put forward to explain the perceived impacts suggested. Moreover, I have concurred with the Council that there would be conflict with relevant provisions of the development plan.

6. It is a matter of planning judgement whether the harm identified in relation to the shortfall in garden depths and sizes, and conflict with development plan policies, would be outweighed by the benefit of one additional dwelling. Whilst it is my judgement that the balance in weighing the issues lies in favour of the proposal, the Council's officer report did address the 'tilted balance' as required to do in the National Planning Policy Framework.

Conclusion

7. The applicant has made comments in relation to the aims of the cost's regime in encouraging local planning authorities to properly exercise their development management responsibilities. However, I do not consider that the Council has failed to substantiate its reasons for refusing planning permission.
8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Rory MacLeod

INSPECTOR