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## Costs Decision

Site visit made on 21 January 2020

**by D Peppitt BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> February 2020**

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### **Costs application in relation to Appeal Ref: APP/H5960/W/19/3240520 Flat D, 41 North Side Wandsworth Common, London SW18 2SU**

- 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 Mark Miller for a full award of costs against the Council of the London Borough of Wandsworth.
  - 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 mansard roof extension to the top floor flat.
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### **Decision**

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

### **Reasons**

2. The 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 or wasted expense in the appeal process.
3. The applicant is seeking costs for the preparation and filing of the appeal. Paragraph 032 of the PPG states that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme, therefore, it was not the case that the appeal could have been avoided. I note there was various correspondence with the Council, which involved requests by the Council to extend the time for the planning application to allow for amendments to be made. I have found that the Council had reasonable concerns about the impact of the proposed development, which justified its advice and decision. The appellant had to address those concerns in any event.
5. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Council was not unreasonable in coming to that decision, and indeed following consideration of the application on its merits, I have concurred with the Council.
6. For the reasons set out above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*D Peppitt*

INSPECTOR