



Costs Decision

Site visit made on 20 October 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Costs application in relation to Appeal Ref: APP/P5870/W/20/3252893 238 London Road, Hackbridge SM6 7EA

- 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 Faab Global for an award of costs against the Council of the London Borough of Sutton.
 - The appeal was against the refusal of planning permission for erection of a two storey side extension with a hipped roof to provide a single dwelling house with a garden and off street car parking on land adjoining 238 London Road, together with alterations to the roof profile of 238 London Road.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. It was common ground between the parties that the proposal was acceptable in land use planning terms. This acceptability was however subject to meeting a range of other planning considerations, including achieving a standard of design that had acceptable effects on the character and appearance of the area and on local highway conditions.
4. Local and national planning policy provided a policy framework for considering these detailed issues which inevitably required an element of subjective professional judgement to reach a conclusion upon.
5. The Council set out their reasons for refusing the proposal in their decision notice, officers report, and subsequent statement of case at the appeal. Although the proposal sought to address issues in a previous refusal, the Council were entitled to consider the planning application on its own merits.
6. Whilst I disagreed with the Council's assessment as a matter of subjective judgement, their reasons were clearly set out and not an unreasonable position to take. I am also satisfied from the Councils assessment that the nature of their concerns, for example with the form of the development, could not have been addressed through their use of conditions.

7. Policy relating to garden land does not appear in the reason for refusal and I am not persuaded that the Council have misapplied it in a way that has prejudiced the Applicant.
8. Accordingly, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

D.R. McCreery

INSPECTOR