
Costs Decision

Site visit made on 7 December 2020

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Costs application in relation to Appeal Ref: APP/H5960/C/20/3256128 Moira Court, Balham High Road SW17 7AH

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Company Secretary on behalf of Granpex Company Limited for a full award of costs against the Council of the London Borough of Wandsworth.
 - The appeal was against an enforcement notice alleging without planning permission and within the past four years, the unauthorised erection of a timber hoarding to a height of 2.3m at the Property.
-

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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant states that a full award of costs against the Council is sought on the basis that the Council has acted unreasonably in persisting with the Notice when no breach of planning control occurred at the time of issuing the Notice. It is also stated that the Council were advised in writing that the height of the timber hoarding had been reduced to below that permitted under Schedule 2, Part 2, Class A of the GPDO, but declined to withdraw the Notice thereby forcing the Appellant to lodge this appeal.
4. It will be seen from my decision that I agree with the Council that there has been a breach of a condition. It follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicant's claim for costs fails.

R Satheesan

INSPECTOR