
Costs Decision

Site visit made on 9 March 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Costs application in relation to Appeal Ref: APP/K3605/W/20/3259760 85 Queens Road, Weybridge KT13 9UQ

- 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 GH Investments for a full award of costs against Elmbridge Borough Council.
 - The appeal was against the refusal of planning permission for the construction of a mansard roof to create 1no. 2-bedroom 3-person apartment with associated amenity.
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Decision

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

Reasons

2. 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. I note the applicant has referred to alleged unreasonable behaviour of the Council with respect to inadequate reasoning; a decision contrary to professional advice; references to other building heights in the locality; reference to the perception of overlooking; and that planning permission should have been granted.
4. The Council was not obliged to agree with the applicant's views in making its decision. Nor was it obliged to agree that there were any material considerations outweighing any conflict identified by them.
5. There is no substantive evidence before me which demonstrates that the appeal scheme was not properly assessed by the Council, or that the conclusion it reached was reliant on baseless concerns. I am satisfied adequate reasoning has been provided as to why planning permission was refused taking into the merits of the case. Thus, the appellant has not been faced with the unnecessary expense of lodging the appeal.
6. 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.

M Shrigley

INSPECTOR

