



Costs Decision

Site visit made on 10 May 2021

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Costs application in relation to Appeal Ref: APP/L5810/W/20/3262674 First and Second Floors, 296 Sandycombe Road Richmond, TW9 3NG

- 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 Alastair Graham AR&V Investments for a full award of costs against the London Borough of Richmond upon Thames.
 - The appeal was against the grant subject to conditions, of approval required under a development order for conversion of 87 square metres of floorspace from B1(a) to C3 (residential) to create 1 studio unit and 1 x 1 bedroom unit.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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 PPG sets out what type of behaviour may give rise to a substantive award against a local planning authority. This includes imposing conditions that do not comply with the guidance in the National Planning Policy Framework (the Framework), namely that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Although I have found that the three disputed conditions do not meet all the tests in the Regulations, the Framework and the PPG, this does not necessarily mean imposing them amounted to unreasonable behaviour on the part of the Council.
3. It was not unreasonable for the Council to take into account the effects of parking associated with the proposal. The Parking Impact Report for a similar proposal at 300-302 Sandycombe Road appeal Ref APP/L5810/W/17/3177299 (the earlier appeal) was carried out in March 2017. However, whilst the appellant considers that circumstances had not changed it was not possible to be sure of this without an up to date assessment. The appellant supplied the Technical Note: Parking Assessment October 2020 with the appeal before me. On the basis of this the Council considered that the condition preventing future occupants from seeking a parking permit or similar is not necessary and I agree. However, it was not unreasonable behaviour for the Council to impose the condition in the circumstances of this case. The appeal before me could not have been avoided in the absence of an up to date parking assessment.

4. It was not unreasonable of the Council to consider the implications of the proposal in relation to storage of refuse/waste and cycles. The Council did not impose identical conditions to those considered by the Inspector in the earlier appeal but tailored the conditions to, in the view of the Council, address the circumstances of the case. I found that the proposed conditions are not reasonable or enforceable in this case because of the specific hall and stairs arrangements within appeal site. However, this is a matter of judgement and the Council were entitled to judge differently and has provided examples of how cycles could be stored inside living accommodation.
5. The appellant considers the Inspector in the earlier appeal could have imposed conditions requiring details of internal storage. However, such conditions may not have been before that Inspector and I have considered the appeal before me on the basis of the particular evidence relating to this case.
6. The Framework advises that agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. However, this does not mean that the Council is obliged to seek the agreement of an applicant before imposing conditions that are judged appropriate.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application is refused.

S Harley

INSPECTOR