



Costs Decision

Site visit made on 13 July 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Costs application in relation to Appeal Ref: APP/T5720/21/3269658

First floor flat, 10 Hamilton Road, South Wimbledon, London SW19 1JF

- 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 Kimberley Bachelot for a full award of costs against the Council of the London Borough of Merton.
 - The appeal was against the refusal of planning permission for L shaped loft conversion including two rooflights in the front roof slope and raising the ridge by 300mm.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes preventing or delaying development which should clearly be permitted and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The appellant contends that the Council has acted unreasonably by preventing a development which should have been permitted, making vague, generalised or inaccurate assertions about a proposal's impact and uncooperative behaviour.
5. It appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposed should reasonably have been permitted. However, the decision is one which is a matter of planning judgement. Based on the information before me I am satisfied that the Council has not failed to engage with the applicant or properly evaluate the application or consider the merits of the scheme.
6. Furthermore, the reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan and London Plan that the proposal would be in

conflict with. Therefore, I find that the Council were not unreasonable in coming to their decision.

7. The appellant contends that they have experienced delay, inconvenience, stress and distress in submitting the appeal. The PPG is clear that an award of costs relates to costs associated with the appeal which includes the time spent by appellants and/or their agents in preparing for an appeal or providing advice. Claims relating to alleged delays in obtaining planning permission, inconvenience, stress or distress are ineligible. Therefore, these matters are not grounds for an award of costs.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason an award of costs is not justified.

B Thandi

INSPECTOR