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## Costs Decision

Site visit made on 26 July 2021

**by B Davies MSc FGS CGeol**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> September 2021**

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**Appeal Ref: APP/H5390/W/21/3267941**

**Triangle Garage, 2, Bishop's Road, SW6 7AB**

- 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 A Labridis for a full award of costs against the Council of the London Borough of Hammersmith & Fulham.
  - The appeal was against the refusal of planning permission for demolition of existing building (Use Class B2) and erection of 5 houses (Use Class C3) with associated cycle parking. 1x blue badge parking space and landscaping.
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### Decision

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

### Reasons

2. The Planning Practice Guidance 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.
3. The appellant submits that the Council has acted unreasonably and caused it to incur unnecessary expense. In summary, the reason given is that there was maladministration and unreasonable behaviour by the Council during the application process. It is not suggested that the appeal could have been avoided, nor that there was unreasonable behaviour during the appeal.
4. The costs regime is intended to support a well-functioning appeal system and the power to award costs relates to those necessarily and reasonably incurred in the appeal process. Expense incurred at the application stage cannot be recovered by an award of costs.

### Conclusion

5. In light of the above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. An award for costs is therefore not justified.

*B Davies*

INSPECTOR