



Costs Decisions

Site visit made on 12 July 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2021

Costs Application in relation to Appeal Ref: APP/L5810/W/20/3264188 San Remo, 195 Castelnau, LONDON, SW13 9ER

- 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 Richmond Upon Thames London Borough Council for a full award of costs against BPML.
 - The appeal was against the Change of use of ground floor from A3 (Restaurant) to a coffee bar at front and C3 (Residential) use to rear to create 1 x 2 bed flat.
-

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 that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. It is the Council's case that the original application was correctly made invalid, and that they followed due process in taking this action. As a consequence, the appeal should not have been necessary and instead, the relevant information should have been provided to enable the application to be determined by the Council.
4. Despite this, for the reasons identified in my decision, I have found that the appeal against non-determination was a procedurally appropriate course of action for the appellant to take. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and that therefore an award of costs is not justified.

Martin Chandler

INSPECTOR