

Costs Decision

Site visit made on 17 May 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

**Costs application in relation to Appeal Ref: APP/K3605/W/21/3288195
142 High Street, Esher, Surrey KT10 9QY**

- 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 Alexander Hinds c/o Stonegate Homes for an award of costs against Elmbridge Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for conversion of existing property into 6 apartments. Works to include external changes to provide new windows and doors.
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Decision

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

Reasons

2. Planning Practice Guidance 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 expense in the appeal process.
3. The application for the award of costs does not specify whether a full or partial award of Costs is being sought. Moreover, there are no details of how the Council has acted unreasonably, and whether this has caused unnecessary expense in the appeal. The applicant was given an opportunity to clarify their position, but no response was forthcoming.
4. I note that the appellant's statement of case outlines some concerns regarding a lack of dialogue and meaningful progress to complete a legal agreement, on the part of the Council. Yet, it would not be appropriate for me to speculate on the nature of the grounds of unreasonable behaviour in the absence of any specific details in the Costs application.
5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

RE Jones

INSPECTOR