
Costs Decision

Site visit made on 25 April 2022

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2022

Costs application in relation to Appeal Ref: APP/L5810/D/21/3280205 231 Whitton Dene, Whitton, ISLEWORTH, TW7 7NJ

- 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 Christopher Gadsden for a full award of costs against the Council of the London Borough of Richmond-upon-Thames.
 - The appeal was against the refusal to grant prior approval for a single storey rear extension of 4.5m depth and 2.55m width. The width of the original building is 5.1m. The proposed eaves have a height of 2.2m and the maximum height proposed is 3.0m.
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Decision

1. The application for costs is refused

Reasons

2. The Planning Practice Guidance (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 provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. In this case the applicant has suggested that the decision by the Council has resulted in delays and costs. However, as can be seen from the appeal decision, this has been dismissed and the proposal not found to benefit from permitted development. This was not a application which the Council should have approved without delay. There was no significant or unreasonable delay by the Council in coming to their decision either. As such, whilst I note the expense to the applicant for the process, I do not conclude that the Council has acted unreasonably.
4. In my view, the issues raised by the applicant are not examples of unreasonable behaviour by the Council that led to an otherwise avoidable appeal. For the reasons set out above, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Mr S Rennie

INSPECTOR