

Costs Decision

Site visit made on 29 June 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

**Costs application in relation to Appeal Ref: APP/L5810/W/22/3290206
291A Sheen Road, Richmond TW10 5AW**

- 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 Elliot Smith for a full award of costs against the Council of the London Borough of Richmond-upon-Thames.
 - The appeal was against the refusal of planning permission for demolition of existing two storey dwellinghouse and the erection of a two storey dwellinghouse plus basement and accommodation in the roof space together with lightwells to the front and rear of the building.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of an appeal, costs may 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 applicant is of the opinion that the Council did not use the extension of time process in the spirit intended, resulting in an appeal which is likely to have been avoided with better engagement during the extended time period.
4. The Council issued six reasons for refusal on its decision notice but maintained just two at the appeal. On this basis, it is logical that, with better engagement during the extension of time, and indeed a more suitable extension of time in terms of length, four of the reasons for refusal could have been avoided.
5. However, by and large the work undertaken in order to resolve the relevant issues was necessary to do so regardless of whether it occurred prior to refusal of permission or at the appeal. Ultimately, I have agreed with the Council's sustained reasons for refusal and dismissed the appeal on that basis.
6. Consequently, whilst it may well be that the Council could have engaged more proactively with the applicant prior to the refusal of permission, I do not find that the Council's decision and the subsequent appeal could have been avoided. Nor, it follows, does the Council's conduct constitute unreasonable behaviour that has resulted in unnecessary or wasted expense in the appeal process, as described in the PPG. An award of costs is therefore not justified.

Matthew Jones
INSPECTOR