

Costs Decision

Site visit made on 16 August 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2022.

Costs application in relation to Appeal Ref: APP/L5810/W/22/3293976 18 Twickenham Road, Teddington, TW11 8AG

- 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 & Mrs Mike & Caroline Curran for a full award of costs against the Council of the London Borough of Richmond Upon Thames.
 - The appeal was made against the Council's decision to refuse planning permission for the reversion of existing building to 1No. single family dwelling from 3Nos. self-contained flats.
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Decision

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

Reasons

2. The *Planning Practice Guidance* (the Guidance) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellants made their application in writing but contend, in summary, that the Council failed to assess the proposal properly by not carrying out a site visit, despite being requested to do so; that it failed to provide a document relating to the comments made by the Council's planning policy department, and for not making a full, objective, fair and balanced assessment of the proposal, and misapplying development plan policy.
4. As the Council correctly says, a site visit is not a statutory requirement in assessing a planning application, and it was open to the appellants, in order to demonstrate the poor condition of the building, to provide a survey as part of the application documentation. In my experience, different Authorities adopt different practices particularly since the onset of the Pandemic, and others do not have the staff resources to always conduct site visits, relying instead on other means such as Google for information. Although I consider it good if not essential practice to conduct site visits as part of the assessment of a proposal, it is not mandatory, and I do not therefore consider that the Council's failure to do can be said to constitute unreasonable behaviour.
5. To my mind, the Council's refusal to release a document to the appellants relates more to a matter of alleged maladministration than unreasonable behaviour in the terms of the Guidance. The document concerned has since been made available to me and copied to the appellants. I have noted the

appellants' comments on the document, but I have no reason to doubt its authenticity, and its' content are fairly reflected in the officer report.

6. As mentioned in my decision on the substantive appeal, the Council produced a comprehensive officer report which dealt with all relevant issues and policies. It is almost inevitable at appeal that appellants will disagree with the content of officer reports, particularly in the interpretation of policies and in the manner that they are applied. I did not share some aspects of the Council's analysis of policies and its assessment, but that too is not an unusual occurrence in proceedings such as these, especially where an appeal is upheld. Overall, however, I consider that the Council set out its case professionally and fairly and provided substantial evidence in support of its refusal.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Accordingly, the application for costs is refused.

G Powys Jones

INSPECTOR