The Planning Inspectorate

Costs Decision

Site visit made on 20 April 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 JUNE 2023

Costs application in relation to Appeal Ref: APP/B5480/W/22/3307017
Land to the south of Copthorne Gardens RM11 3DL

- 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 Burton for a partial award of costs against Michelle Wall.
- The appeal was against the refusal of permission in principle for "5 to 9 self build plots".

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.

3. The applicant for costs contends that comments made by an interested party, Michelle Wall, in representations received by the Planning Inspectorate in respect of this appeal are untrue and harmful to their professional reputation. This interested party has since clarified that these comments were wrongly aimed at the applicant, whom they inadvertently assumed was the landowner. Moreover, the interested party has retracted these comments in their rebuttal.

4. The PPG states that in cases dealt with by written representations, it is not envisaged that awards of costs involving interested parties will arise. Furthermore, only the unnecessary or wasted costs in pursuit of the appeal itself can be recovered by an award of costs.

5. Any costs incurred in seeking to defend professional reputation through the appeal process is not a cost incurred in respect of the substance of the matters under appeal or procedural matters. This is ultimately a matter between the applicant and the interested party.

Conclusion

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ryan Cowley

INSPECTOR