Costs Decision

Site visit made on 7 November 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Costs application in relation to Appeal Ref: APP/P5870/W/23/3321754
76 Croydon Road, Beddington, Sutton CR0 4PD

- 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 A Yar for a full award of costs against the Council for the London Borough of Sutton.
- The appeal was against the refusal of planning permission for the demolition of a single storey extension and erection of detached house with access to side car parking from Aldwick Road.

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 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 appellant considers the Council behaved unreasonably by refusing permission for the scheme without citing any evidence and properly assessing the application. This is not my appreciation of the Council's position. The Council described the development, considered the context and explained its objections to the scheme in the officer's report. It referenced policies of the development plan. This was reflected in the decision notice and supported in its appeal statement.

4. The Council declined to accept amended plans whilst considering the application. These plans were submitted late in the application process and did not alter its assessment, as indicated in its appeal statement. Moreover, these plans were not persuasive in my consideration of the appeal which lends further weight to the Council's view; that they were not determinative.

5. The appellant is entitled to disagree with the Council's consideration of the application. This, of itself, does not amount to unreasonable behaviour.

Conclusion

6. Taking all of the above into account, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nick Bowden

INSPECTOR