



Costs Decision

by **A U Ghafoor BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Costs application in relation to: Appeal Ref: APP/P5870/L/23/3316806

- The costs application is made under Regulation 121 of the Community Infrastructure Levy Regulations 2010 (as amended) (hereinafter 'the CIL Regs').
- The application is made by [REDACTED] on behalf of [REDACTED] against by the Collecting Authority, the Council of the London Borough of Sutton ('the CA').
- The appeal was made under section 218 of the Planning Act 2008 and under Regulations 117(1)(a), (c), and 118 of the CIL Regs.

Decision

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

Reasons

2. In the grounds of appeal, the applicant states that "...all costs direct and collateral associated with this invalid approval and its subsequent CIL demand and liability notices to be granted to the appellant". I take this to be an implied application.
3. In my Decision on the CIL Regs 117 and 118 appeal, I explain why the latter succeeds on a technicality but the former fails. Perhaps I am stating the obvious, but parties in planning or related appeals normally meet their own expenses in the appeal process. The issues arising in this appeal required interpretation and application of the CIL Regs to relevant facts. There is nothing before me to suggest a fundamental misunderstanding or erroneous interpretation of the CIL Regs and the respondent readily conceded the erroneous reference to "(C4)" on the planning decision notice. Even if the respondent's typographical error was deemed unreasonable, no wasted or unnecessary expense has been shown.
4. The applicant had a fair opportunity to respond to all arguments and voluminous information had been submitted in support of the appeal. I consider that the CA submitted sufficient evidence to demonstrate the reasons why it issued the demand notice and imposed surcharges. Its reasons for the approach adopted were substantiated on appeal.
5. For the reasons given above, and having regard to the Planning Practice Guidance, I conclude that no award of costs is therefore justified in the circumstances.

A U Ghafoor

INSPECTOR