



Costs Decision

Site visit made on 13 February 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal B Ref: APP/Z3635/W/23/3326553

56 Kingston Road, Staines-upon-Thames, Surrey TW18 4NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Karadiguddi against the decision of Spelthorne Borough Council.
- The application Ref 23/00192/FUL, dated 31 January 2023, was refused by notice dated 10 July 2023.
- The development proposed is the construction of mansard roof to form 7 dwellings.

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. This application is based on the fact that the Council prevented or delayed a development that should clearly have been permitted, failed to produce evidence to substantiate a reason for refusal and refused planning permission on a planning ground capable of being dealt with by condition.
4. My attention is drawn to email correspondence between the appellant and the Council. The advice provided by the Council regarding the location of the proposed waste storage facilities appears to have been provided in relation to the practicalities of the waste collection. Although this would be part of the assessment, it does not automatically follow that the proposal would be acceptable in terms of its effect on the character and appearance of the area and living conditions. Indeed, the reasoning provided by the Council to justify its position was adequate and it clearly sets out why the Council considers the proposal to be contrary to national and local planning policies.
5. The PPG states that, when used properly, conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission.
6. The appellant contends that an alternative scheme could be secured by condition. However, as set out in my appeal decision, there appears to be limited space available within the site to accommodate such a substantial facility, and there are limitations in terms of collection. On this basis, it is not unreasonable that the Council held reservations in relation to the success of an

alternative location and, accordingly, did not grant planning permission for the development.

7. I appreciate that the applicant does not agree with the Council's assessment. However, it does not follow that the Council's case is flawed. In these circumstances the fundamental differences between the parties could not have been resolved other than by an appeal. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR