



Costs Decision

Site visit made on 27 February 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 APRIL 2024

Costs application in relation to Appeal Ref: APP/P3610/W/23/3325967 176 East Street, Epsom KT17 1ES

- 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 Aaron France for a partial award of costs against Epsom and Ewell Borough Council.
 - The appeal was against the refusal of planning permission for *the change of use from class E(a) to C3 including a first floor rear extension. Conversion of the loft space into habitable space with the addition of 2 rear dormers including hipped to gable extension. General alterations to the external fenestration.*
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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 assertion that the Council introduced arguments within the statement of case which redefine those previously set out within the Officer report, namely in relation to the approach taken in terms of the delivery of additional housing. This led the applicant to spend additional time preparing the final comments.
4. In the Officer report, the Council carries out a planning balance where it attributes weight to each benefit associated with the proposal. The Council concludes that the benefits would not be sufficient to warrant the disruption to the character of the building.
5. The Council's Appeal Statement expands upon the planning balance undertaken in the Officer report. However, the matters expanded upon relate to housing mix and other merits of the scheme, which are addressed in response to the arguments put forward by the applicant. As such, I cannot see that any new substantive arguments have been introduced nor that the Council has significantly changed the amount of weight attributed to each benefit associated with the proposal. This is ultimately a minor issue and one of planning judgment for the decision maker; it did not require or justify substantial costs by way of reply at the final comments stage.
6. Based on the above, I am satisfied that the Council has not introduced fresh and substantial evidence at a late stage. Therefore, unreasonable behaviour

resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR