



Costs Decision

Site visit made on 9 April 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2024

Costs application in relation to Appeal Ref: APP/H5960/W/23/3331933 29A Barnard Road, Wandsworth, London SW11 1QT

- 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 Mrs Janet Comyn for a full award of costs against the Council of the London Borough of Wandsworth.
 - The appeal was against the refusal of planning permission for "flat conversion of existing 3 bedroom flat into 2 self contained flats, incorporating a 'L' shaped mansard roof extension with 3 roof light to the front roof slope."
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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. The applicant states that the Council failed to consider the relevant policy in full and ignored the supporting text. It is stated that ultimately this led to the refusal of the planning application, thereby necessitating the preparation of the appeal.
4. I have reached a different view to the Council with regards to the effect of the development on the choice of housing stock within the borough. Nonetheless, I am satisfied that the Council have presented a suitably substantiated case in support of their decision which went into appropriate detail on why they found that the appeal property was not unsuitable for family accommodation, and thus why they considered that the proposal would conflict with those aims of Policy LP26 of the Wandsworth Local Plan (2023).

Conclusion

5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

N Robinson

INSPECTOR