



Costs Decision

Site visit made on 30 April 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2024

Costs application in relation to Appeal Ref: APP/P5870/W/23/3327863 122 Church Hill Road, North Cheam, Sutton SM3 8NA

- 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 David Robinson of Alpine Dental for a full award of costs against the Council of the London Borough of Sutton.
 - The appeal was against a refusal to grant consent, agreement or approval to details required by a condition of prior approval Ref DM2021/02273.
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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 appellant sets out that the council has acted unreasonably in that it did not accept the submitted details in respect of the Construction Logistics Plan. It is also alleged that the Council was uncooperative during the planning application process. This is alleged to have led to wasted expense and delay.
4. I have noted the Council's reason for refusal. I am satisfied that this was specific and relevant to the application and, when taken together with the officer report, has been adequately substantiated.
5. Although I acknowledge the applicant's frustration in respect of communications with the Council, which is not ideal, I am satisfied that the Council's overall determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did.
6. The matter of other schemes within the borough has been dealt with in the main appeal decision.
7. Overall, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR