



Costs Decision

Site visit made on 10 July 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2024

Costs application in relation to Appeal Ref: APP/P5870/W/23/3329435 8 Keswick Close, Sutton SM1 4HH

- 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 Roman Havdyak for a full award of costs against the Council of the London Borough of Sutton.
 - The appeal was against the refusal of planning permission for the conversion of loft space involving alterations to existing roofline and a dormer extension at rear.
-

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 PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. It states that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.
4. The Council's officer report makes reference to both 16 Keswick Close and 20 Benhill Wood Road. As such, they have acknowledged the similar nearby development but have set out why they do not consider it to justify the proposed development, including the differing position within the street and the different policy context. The weight given to these matters is a matter for the decision maker, and whilst I have not agreed with the Council's case overall, the case put forward by the Council was sufficiently clear and based on relevant local and national planning policies. Its reason for refusal was adequately substantiated, and the Council's case was neither inaccurate nor generalised.
5. There is no evidence of any delay on the part of the Council following the lodging of the appeal, and it is not clearly demonstrated that any delay has caused unnecessary or wasted expense related to the appeal.
6. Accordingly, it has not been demonstrated that the applicant's time and expense in defending this matter was not necessary and has resulted in unnecessary or wasted expense on their behalf.

Conclusions

7. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR