



Costs Decision

Site visit made on 22 August 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Costs application in relation to Appeal Ref: APP/H5960/Z/24/3346932 64-64C, Battersea Rise, Wandsworth, London SW11 1EQ

- 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 Diego Palladino for a full award of costs against the Council of the London Borough of Wandsworth.
- The appeal was against the refusal of express consent for 3x illuminated pole banner system, projecting wall mounted banner pole kit, including zinc plated and powder coated poles for maximum durability, LED illumination lights for face illumination, lights are IP65 certified will not exceed 600cd/sq m, printed banner in mesh material to suit high level winds.

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 confirms that costs cannot be claimed for the period during the determination of the planning application, but all parties are expected to behave reasonably throughout the planning process. Behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded. Further, awards cannot include compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.
4. Although the applicant says that the Council was not willing to listen or work with them despite the examples that they referred to of other advisements in the area, the Council does have a pre-application service that the applicant does not appear to have used. Further, while the Council is encouraged to work with applicants during an application, equally they are not required to do so, and the Council does need to reach timely decisions.
5. Evidently, the Council considered the site's surroundings when it reached its decision on the proposal and explained why it took the view that it did. That includes the various other advertisements cited by the appellant. Hence, the Council has not acted unreasonably in arriving at a different opinion, nor does it indicate that the applicant has been treated differently.
6. Although the proposed adverts were not in situ when I visited, I gather that they had been erected at some point without advertisement consent being in place. It was the applicant's choice to install the adverts and theirs alone. The

Council has a planning control function and seeking their removal because of the absence of consent is part of that function. If the Council or I had granted express consent, the applicant would have been entitled to install them with the knowledge that they had the necessary consent. The Council's actions in this regard were not unreasonable, nor have they caused wasted expense in the appeal process, as that focused on the merits of the adverts themselves.

7. I understand road closures have taken place on Northcote Road to facilitate a street market, and I note the applicant's points that this has focused people's business towards businesses on this road and not those nearby. Even if true, the street market and the proposal are two separate issues, and proposals for advertisement consent are to be considered based on amenity and public safety alone, not other factors. The Council did not act unreasonably in determining the application, and subsequently defending its decision on appeal based on these factors.
8. Given the above, I conclude that the Council has not acted unreasonably, and it has therefore not caused unnecessary or wasted expense to be incurred by the applicant in the appeal process. The costs borne by the applicant are those which are normally expected of parties in the appeal process, and the fee for the planning application relates to that alone and not the appeal.

Conclusion

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Andrew McGlone

INSPECTOR