



Costs Decision

Site visit made on 6 June 2024 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

**Costs application in relation to Appeal Ref: APP/P5870/D/24/3337348
223 Wrythe Lane, Carshalton, Sutton SM5 1UA**

- 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 Vibusithan Ongaranathan 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 erection of part first floor rear extension.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. 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. Costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Unreasonable behaviour may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal). PPG goes on to say that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
3. I have reached a different conclusion to the Council on the main issues of the case, having had regard to all the information before me. Nevertheless, the case put forward by the Council was sufficiently clear, based on relevant local and national planning policies, and its reasons for refusal were adequately substantiated. Even if the case officer did not visit the site, there is nothing within the evidence that suggests a lack of understanding of the site and its context. Accordingly, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Conclusion and Recommendation

4. The Council have not behaved unreasonably in the determination of the planning application and therefore the application for an award of costs should be refused.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

5. I have considered all the submitted evidence and my representative's report and on that basis the application for an award of costs is refused.

John Morrison

INSPECTOR