



Costs Decision

Site visit made on 17 December 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2025

Costs application in relation to Appeal Ref: APP/H5960/D/24/3352964 9 St Johns Hill Grove, Wandsworth, London, SW11 2RF

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Nicholas & Julia Griffin 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 extension of second floor rear room to match the first and ground floor footprint, new windows upgraded with enhanced U values to comply with current Building Regulations.
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Decision

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

Reasons

2. 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's application for costs is based on the decision of the Local Planning Authority (LPA) to refuse the planning application, contradicting previous pre-application advice.
4. As explained in the PPG¹, pre-application advice provided by the LPA cannot pre-empt the democratic decision-making process or a particular outcome in the event that a formal planning application is made. Such advice is therefore non-binding. Furthermore, the LPA has confirmed that the pre-application advice provided in 2014 was assessed against previous local plan policies and an older version of the National Planning Policy Framework (NPPF). Since that time, the LPA confirm that two local plans have been adopted in 2016 and more recently in 2023, so the likelihood is that relevant policies and guidance would have evolved. LPA's have a duty to assess proposals against current adopted policies and I have no evidence before me to suggest that the Council has behaved unreasonably in this regard.
5. The PPG² advises that a local planning authority could be at risk of a substantive award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably refusing or

¹ Paragraph: 011 Reference ID: 20-011-20140306

² Paragraph: 049 Reference ID: 16-049-20140306

failing to determine planning applications, failing to produce evidence to substantiate each reason for refusal, or vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

6. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the LPA were not unreasonable in coming to that decision which was clearly substantiated within the Officer's report. Indeed, following consideration of the application on its merits alone, I have concurred with the Council.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

J Davis

INSPECTOR