



Costs Decision

Site visit made on 3 December 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

**Costs application in relation to Appeal Ref: APP/Z5630/W/24/3345438
The Ranch, 8 Southborough Close, Surbiton, Kingston Upon Thames
KT6 6PU**

- 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 Peter Vaughan for a full award of costs against the Council of the Royal Borough of Kingston Upon Thames.
 - The appeal was against the refusal of planning permission for the demolition of existing property and erection of two new family homes.
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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 applicant seeks a full award of costs because of the amount of time the Council has took to process the planning application (said to have been some 5 months), and because they say the Council has not sought to engage during the planning application process, both of which are said to have resulted in unnecessary delays and costs (including increases to the proposal's build cost).
4. The Council has responded to state that it responded to a pre-application enquiry (made before the planning application the subject of the appeal was submitted) to raise concerns about the proposal. The Council said the applicant submitted the same proposal that was tabled at the pre-application stage knowing that it was unlikely to be supported by the Council. The Council also say the appellant was given the opportunity to work with the Council to find a solution, but this was not taken.
5. Pre-application engagement has happened in this case, and it is unfortunate that this did not result in an acceptable scheme to both main parties being submitted at planning application stage. Whilst the applicant was not bound to accept the views of Council Officers and was entitled to submit what scheme they choose (accepting some or none of the Council's suggestions), there is not an automatic right to continue dialogue regarding the design of the proposal throughout the application stage, which would have been at the discretion of the Council. However, a period of some 5 months for processing the application, with little or no apparent engagement between both main parties to try and find a solution, and with no other good reason for such a delay, is

not acceptable. Based on the information before me, this delay is unreasonable behaviour by the Council.

6. In my decision, I have found the appeal scheme to be harmful to the character and appearance of the Southborough Conservation Area, and the appeal has been dismissed for this reason. Therefore, whilst the Council has behaved unreasonably in the time it has taken to determine the application, the appeal could not have been avoided, nor could the costs associated with making the appeal.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Hunter

INSPECTOR