



Costs Decision

Site visit made on 17 January 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Costs application A in relation to Appeal Ref: APP/L5810/D/24/3352942

48 Berwyn Road, Richmond TW10 5BS

- 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 BHPD Limited for a full award of costs against the Council of the London Borough of Richmond Upon Thames.
 - The appeal was against the refusal of planning permission for the erection of a single-storey rear extension, new front boundary and landscaping.
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Costs application B in relation to Appeal Ref: APP/L5810/D/24/3350358

48 Berwyn Road, Richmond TW10 5BS

- 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 BHPD Limited for a full award of costs against the Council of the London Borough of Richmond Upon Thames.
 - The appeal was against the refusal of planning permission for the erection of a part single/part two storey side/rear extension and replacement front boundary wall and entrance gates.
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Decision – Costs Application A

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

Decision – Costs Application B

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

Procedural Matters

3. The two costs applications made by the appellant are the same, they relate to the same property and to development of similar nature. Whilst each application is considered on its individual merits, to avoid repetition and for the avoidance of doubt, I have dealt with both costs applications within this single letter.

Reasons

4. The Planning Practice Guidance 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.
5. The applicant seeks a full award of costs based on both substantive and procedural matters. The concerns relate to the alleged unreasonableness of the Council in the handling of the subject planning applications and numerous earlier applications,

and alleged wasted expense in respect of the lodging of appeals against the Council's refusals of planning permission.

6. I note that there has been a total of 8 previous planning appeals relating to this property in recent years and I am aware of 5 cost applications¹ all of which have been refused. The issues raised by the appellant appear to duplicate those raised previously namely: the failure to communicate during the application process, reliance on the paid pre-application process, and failure to undertake a site visit. There is no evidence before me which leads me to take a different view to that of the previous Inspectors on the principles of these issues.
7. The Council is not required to communicate with an applicant or agent prior to determining planning applications. In these cases the Council's views on extending the appeal property have been made clear in responses to a pre-application submission and the many previous planning applications. It is therefore unclear to me what the Council could communicate to the applicant that had not already been put in writing on many occasions. Additionally, there is no indication that a minor amendment or any clarification of information would have made the proposals subject to Appeals A and B acceptable to the Council.
8. As the previous costs decisions explain, whilst it is good practice there is no statutory duty or requirement to undertake a site visit and the Council considered that they had sufficient alternative resources to enable the application to be assessed.
9. The applicant's costs application does not refer to any specific evidence to support the suggestion that the Council are using the fact that the appeal property is in a Conservation Area to "unnecessarily reject" development. The Council's decisions are based on a reasoned assessment of the proposals and the information before me suggests a consistent approach has been adopted. Moreover, I am satisfied that the Council adequately substantiated its reasons for refusal and, in the absence of any evidence to the contrary, it appears the decisions reflected the pre-application advice provided.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated.

S Poole

INSPECTOR

¹ APP/L5810/D/23/3331723, APP/L5810/D/23/3324005, APP/L5810/D/23/3324009, APP/L5810/D/24/3344099, APP/L5810/D/24/3350355