



Costs Decision

Site visit made on 26 February 2025

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Costs application in relation to Appeal Ref: APP/Z5630/W/24/3351620

4 Fritham Close, New Malden KT3 5JN

- 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 Yamina Petrovska 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 erection of 3 x 3 bed new build terrace units at the land at the rear of 4 Fritham Close.
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Decision

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

Reasons

2. 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.
3. I understand the Applicant's frustration with the manner in which the application has been progressed, particularly as planning permission was granted for a similar development on the site in February 2023 (Ref: 22/02877/FUL), before that decision was quashed for procedural reasons in respect of the Council's publicity requirements. These procedures and requirements were outside of the applicant's control.
4. However, that decision was quashed following due process, and the Council was required to consider the application afresh. As the first decision was determined under delegated powers, this was the first time that application had been brought before the Council members for their determination. The Council members were entitled to reach a different decision to the recommendation of the officers, based on all the information they had before them. Whilst the appeal case presented by the Council was limited in the information provided to explain its decision, which was contrary to the Officer's recommendation, I had enough material set out in the Council's appeal statement to substantiate its refusal of planning permission to enable me to reach my decision.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated

L J Evans

INSPECTOR