



Costs Decision

Site visit made on 19 March 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Costs application in relation to Appeal Ref: APP/L5810/W/24/3356561

10 Orleans Road, Twickenham, Richmond Upon Thames TW1 3BL

- 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 Ms Jacqui Norris for a partial award of costs against Richmond Upon Thames London Borough Council.
 - The appeal was against the refusal of planning permission for change of use of the building from vacant commercial use to two dwellings plus external alterations.
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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. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes failure to produce evidence to substantiate each reason for refusal on appeal.
4. The applicant contends that the proposed development is unable to support a policy compliant contribution to affordable housing in the Borough. In support they have produced a Financial Viability Assessment (FVA) which concludes that the scheme is in a deficient position and cannot support a contribution. Policy LP36 of the London Borough of Richmond Upon Thames Local Plan (2018) (RLP) indicates that in circumstances where a viability assessment is submitted it will be subject to rigorous assessment by the Council.
5. Whilst the Council did not consider it was expeditious to instruct an independent assessment of the FVA there is nothing before me to suggest that this matter was, at the very least, discussed with the applicant at application stage. A more helpful approach in respect of this matter would have probably narrowed the issues being considered at appeal.
6. Whilst I understand the applicant's sense of frustration associated with the handling of this matter, on balance I am satisfied that Council officer's exercised reasonable planning judgement in their duty to determine the application against relevant policies in the RLP. Moreover, the applicant has not incurred wasted or unnecessary expense in the appeal process as a result of the Council's actions.
7. The appellant's Daylight and Sunlight Report (DSR) indicates that the proposed development would fulfil the British Research Guidance for vertical sky component,

daylight distribution, annual and winter probable sunlight hours and amenity space. The Council have not challenged the contents of the DSR, however, maintain their stance in respect of outlook. Whilst I have not sided with the Council with regards to the effects of the proposal upon the living conditions of the neighbouring occupiers officers have exercised their planning judgement in respect of this matter. The Council have substantiated its position at appeal and thus I do not agree that they have acted unreasonably in this case.

8. Whilst the applicant's comments are noted informal discussions and advice given before an application is determined is given without prejudice and cannot pre-determine the final outcome of the application.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

B Thandi

INSPECTOR