



Costs Decision

Site visit made on 3 November 2025

by C Housden BSc(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Costs application in relation to Appeal Ref: APP/Z5630/W/25/3371236 Windsong, Coombe Hill Road, Kingston Upon Thames KT2 7DU

- 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 Feroz Kassam for a full award of costs against the Council of the Royal Borough of Kingston Upon Thames.
 - The appeal was against the refusal to discharge condition nos 5, 7 and 8 of planning permission ref 22/00958/FUL.
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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 submission made by the applicant relates to their view that the Council misrepresented and acted contrary to the written advice of its tree and landscape officer and did not provide adequate explanation or justification in its officer report for refusing condition no 5. The applicant also sets out that the time taken for the Council to determine the application was unreasonable.
4. In the first instance, the costs regime relates to the costs which have been incurred by the receiving party during the process in which the decision of the inspector is reached. The PPG is clear that costs cannot be claimed for the period during the determination of the application¹. As such, no unreasonable behaviour resulting in unnecessary or wasted expense at the appeal has occurred due to the length of determination of the application.
5. The decision notice states the Council's Tree and Landscape Officer (TLO) raises concern with the landscaping scheme. This is despite the two consultation responses showing a positive response from the TLO who recommended to discharge the condition.
6. However, the decision to refuse the condition discharge application is one taken by the Council, not the TLO. Notwithstanding any positive or negative comments made by the TLO, the substance of the refusal of the application is based upon a failure to provide Cherry Laurel hedging on the boundary with Anna House, as expressly

¹ Paragraph: 033 Reference ID: 16-033-20140306

required by the terms of the condition. This reason for refusing to discharge the condition is clearly set out in the Council's decision notice.

7. As such, the Council's refusal of the application has been substantiated, and I do not consider the Council has acted unreasonably resulting in unnecessary or wasted expense of the applicant in appealing the decision.

Conclusion

8. Unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

C Housden

INSPECTOR