

Costs Decision

Site visit made on 12 September 2026

By Mr A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th October 2026

Costs application in relation to Appeal Ref: APP/Z5630/X/25/3359471 20 Orchard Road Kingston upon Thames KT1 2QW

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Lindsley against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The appeal was against a refusal to grant a certificate of lawful development for existing operation certifying that the bricks used in the construction of the extension comply with condition 3 of the planning permission number 22/00997/HOU dated 22 June 2022.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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 respondent visited the site during construction and stated that the bricks used in the approved extension did not match the bricks in the main dwelling. The appellant attempted to explain that the bricks were the same and that it was a case of new bricks verses weathered and old bricks, but the respondent threatened to enforce because it appeared to them a breach of planning controls had in fact occurred. To address the planning conundrum, the applicant chose to apply for an LDC, but the respondent refused to grant a certificate. The reason for refusal is clearly set out, and it seems to me there was a difference of opinion between the appeal parties, which, in practice, can happen. There is, however, no evidence of unreasonable behaviour leading up to the respondent's determination.
4. The applicant chose to exercise their right of appeal. I have found favour with their arguments and disagreed with the respondent's analysis. Nonetheless, I consider that sufficient case was advanced in support of the respondent's decision to refuse to grant the certificate.
5. Contrary to the agent's arguments, I consider that the respondent's stance and approach have not resulted in procedural or substantive unreasonableness thereby causing the applicant to incur unnecessary or wasted expense in the appeal process. I conclude that an award of costs, partial or full, is unjustified in this case.

A U Ghafoor

Inspector