



## Costs Decision

Site visit made on 13 July 2021

**by A Caines BSc(Hons) MSc TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2021**

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### **Costs application in relation to Appeal Ref: APP/X5210/W/21/3269211 30-32 Albany Street, London NW1 4EA**

- 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 Keith Tillman for a full award of costs against the Council of the London Borough of Camden.
  - The appeal was against the refusal of planning permission for enlargement of roof dormers and increased size of side extension.
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### **Decision**

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

### **Reasons**

2. Parties to a planning appeal are normally expected to bear their own costs, but costs can be awarded where the unreasonable behaviour of a party has caused another party to incur unnecessary or wasted expense in the appeal process. Briefly, the application for costs has been made in relation to the Council's handling of the planning application. A fundamental concern is that the Council pre-judged the application on the basis of earlier pre-application advice and before the application was even validated.
3. However, the Planning Practice Guidance (PPG) is clear that costs cannot be claimed for the period during the determination of the planning application, even though all parties are expected to behave reasonably throughout the planning process. Whilst the PPG notes that behaviour and actions at the time of the planning application can be taken into account in the consideration of whether or not costs should be awarded, it first requires that an applicant demonstrate that a party has behaved unreasonably during the appeal and how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. In my view, despite the appeal outcome, the Council has not demonstrated any unreasonable behaviour during the appeal, and the applicant has not demonstrated how any of the alleged unreasonable behaviour resulted in unnecessary or wasted expense during the appeal process.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and therefore an award of costs is not justified.

*A Caines*

INSPECTOR