![The Planning Inspectorate]

Costs Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 7 September 2017

Appeal ref: APP/T5720/L/17/1200089: Application for costs

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- The costs application is made under Regulation 121 of the Community Infrastructure Levy Regulations 2010.
- The application is made by the London Borough of Merton against the appellants, ██████ ██████████.
- The appeal was made under section 218 of the Planning Act 2008 and on Regulation 117(1)(a) and Regulation 117 (1) (c) of the CIL Regulations.

Summary of decision: **The application fails and no award of costs is being made.**

Reasons for the decision

1. The Council are claiming an award of costs as they consider the appellants did not challenge "…the date of deemed commencement, the date that the chargeable amount was paid or that the amount which formed the basis for calculating the late payment surcharges remain unpaid after 12 months following the deemed commencement date…". Therefore, they consider they have incurred unnecessary costs in servicing the appeal. However, I find it difficult to understand the Council's arguments. The appellants were entitled to exercise their right of appeal on whichever grounds they considered necessary. While I may not have agreed with all the appellants' supporting arguments, I do not consider they were unreasonable. Indeed, the fact that I have allowed the appeal on Regulation 117 (1) (c), which clearly challenged the calculation of the surcharges, demonstrates that their appeal was clearly not without merit. Consequently, I am not satisfied the appellants acted unreasonably and caused the Council to incur unnecessary expense in the appeal process.

Formal decision

2. For the reasons given above, I conclude that the appellants did not act unreasonably, causing the Council to incur wasted or unnecessary expense as a result. No award of costs is therefore justified in the particular circumstances.

3. A copy of this letter has been sent to the appellants.

K McEntee