The Planning Inspectorate

Costs Decision

Site visit made on 14 February 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 06 March 2017

Costs application in relation to Appeal Ref: APP/G5180/D/16/3164920
Land at 8 Riverside Close, Main Road, Orpington BR5 3HJ

- 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 Emma Foskett for a full award of costs against the Council of the London Borough of Bromley.
- The appeal was made against the refusal of planning permission for a shed.

Decision

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

Reasons

2. The Planning Practice Guidance advises that 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. It is clear that planning authorities are not bound to adopt the professional advice given by their own officers. However, the Council has to show that it had reasonable planning grounds, based on national planning policy, the development plan and other material considerations, for taking a decision contrary to such advice.

4. The effect of a development on the character and appearance of an area is a matter of judgement. The Council was entitled to consider whether the development has an adverse effect on the character and appearance of the surrounding Conservation Area and on the Urban Open Space designation. The Council referred to development plan policies in respect of these matters.

5. I have reached a different view to that of the Council. Nevertheless, and even though contrary to the Officer's recommendation, in my opinion, the Council provided a clear explanation of its reasons for refusal, with reasonable planning grounds, and therefore, the Council's behaviour was not unreasonable when judged against the planning guidance. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J L Cheesley INSPECTOR