

Costs Decision

Site visit made on 9 May 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 25 May 2017

Costs application in relation to Appeal Ref: APP/G5180/D/17/3169252 14 Cocksett Avenue, Orpington BR6 7HE

- 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 and Mrs Wright for a full award of costs against the Council of the London Borough of Bromley.
 - The appeal was against the refusal of planning permission for a single-storey front extension, a two-storey side extension and elevational alterations.
-

Decision

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

Procedural Matter

2. The description of development given on the application form reads "proposed two storey side extension, part single storey front extension". However, in the banner heading above I have used the form of words given in the description of development on the decision notice as this more comprehensively captures the scope of the appeal scheme.

Reasons

3. The Government's 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.
 4. This application for costs is brought on substantive grounds, namely that the Council's Plans Sub-Committee acted unreasonably in refusing planning permission against an officer recommendation to the contrary, and that in doing so this has led to wasted expense in the appeal process.
 5. A Council's planning committee is not duty bound to make decisions in line with officer recommendations, but it must give clear reasons for its decisions. I note that whilst the Officer Report on the scheme recommended its approval, it highlights aspects of the development where members were invited to make an assessment.
 6. Furthermore, a site visit was undertaken by a member of the Committee to aid an assessment of the proposal, and this helped to inform the Committee's decision making in respect of the scheme. The reasoning on these matters, the material considerations taken into account, and the relevant policies of the
-

development plan with which the Committee considered the proposed development conflicted are all clearly expressed within the committee minutes and the decision notice in respect of the scheme.

7. Whilst in my decision letter in relation to the proposed development I have arrived at different conclusions to the Committee in this instance, the weight given to relevant material considerations in the determination of any planning proposal is always a matter for the decision-taker. What is more, at the time of my site visit alterations including installation of a highway crossover had been implemented at the appeal site and as a result off-street parking is now available. This is a material difference to the situation which pertained at the time of the Council's determination of the original application.
8. Thus taking these matters together, I consider that in making a decision contrary to the recommendation of the Officer Report, the Plans Sub-Committee did not act unreasonably.
9. Consequently, for the reasons given above, I consider that unreasonable behaviour leading to unnecessary or wasted expense as described in PPG has not been established in this case, and accordingly, this application for costs fails.

G J Fort

INSPECTOR