
Costs Decision

Site visit made on 21 November 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 11 December 2017

Costs application in relation to Appeal Ref: APP/G5180/D/17/3181208 70 Sutherland Avenue, Biggin Hill, Kent TN16 3HG

- 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 A Yar for a partial award of costs against the Council of the London Borough of Bromley.
 - The appeal was against the refusal of planning permission for new floor, raising of existing roof, new entrances and porches, internal alterations, changes to fenestration, infilling of existing lower ground floor terrace to form habitable accommodation.
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Decision

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

Reasons

2. The Planning Practice Guidance 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.
3. The Council's second reason for refusal related to whether the proposed accommodation could be used as a separate dwelling unit. The applicant contends that the Council has behaved unreasonably on this matter as there is no evidence that to suggest that the applicant intends to use the annex as a separate unit. Furthermore, he considers that this matter can be addressed by a condition.
4. However, I consider that the Council has clearly identified evidence to support its conclusion on the potential use of the proposal, including separate access to and the facilities provided within the accommodation. Indeed, as can be seen from my Appeal decision, I have agreed with the Council on this matter and I consider that on balance the proposal would in effect create, or assist in creating, a separate dwelling unit.
5. I also note that the Council state that the applicant's intention to use the accommodation for an elderly relative was not specified as part of the planning application. Moreover, even the evidence which was submitted as part of the appeal process is very limited and does not lead me to a different conclusion on this matter or the appropriate use of a condition.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been

demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR