



## Costs Decision

Site visit made on 20 December 2017

**by Rory MacLeod BA MRTPI**

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

**Decision date: 1<sup>st</sup> February 2018**

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### **Costs application in relation to Appeal Ref: APP/E5330/W/17/3183738 Land bounded by Old Stable Row, Woolwich New Road, Woolwich SE18 6JR**

- 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 Meyer Homes for a full award of costs against Royal Borough of Greenwich Council.
  - The appeal was against the refusal of planning permission for the erection of temporary hoarding to a height of 2.4m along the perimeter of the development site [known as Phase 3 of the Woolwich Centre proposals].
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### **Decision**

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

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The application essentially is based on the fact that the Council's Committee acted unreasonably in overturning a Council Officer recommendation that the application be approved, and that this has resulted in unnecessary wasted costs in pursuing an appeal. As a result, it is claimed that the appellant has been unable to proceed with necessary investigative works for the site, which is an allocated site and therefore likely to be brought forward for development.
4. PPG indicates that local planning authorities will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate each reason for refusal. In this case, whilst the recommendation of Council Officers was not accepted the decision is one which is a matter of judgement. There were several representations against the proposal and these were material considerations in the decision making process. Council Members on the Committee were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
5. The appeal application was refused for four reasons. To my mind there is overlap in the issues raised in these reasons in relation to the impact of the proposed hoarding on the character and appearance of the area. Whilst I have not agreed with the Council's analysis on some refusal reasons, the Council nonetheless produced clear reasoning backed up by reference to current

planning policies to support each refusal reason. The issues in dispute are matter of judgement and the Council has produced substantive planning reasons to support its decision.

6. Furthermore, the Council has responded in a timely and complete manner at each stage of the appeal process to the matters raised by the appellant ensuring that there is no undue procedural delay in the determination of the appeal.

**Conclusion**

7. I do not consider that the Council has failed to properly evaluate the proposal. I have found that the Council had reasonable concerns about the impact of the proposal that justified its decision. The appellant had to address those concerns and appeal could not therefore have been avoided.
8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

*Rory MacLeod*

INSPECTOR