



Costs Decision

Site visit made on 9 July 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Costs application in relation to Appeal Ref: APP/G5180/W/19/3228473 Site of former 41 Sunningvale Avenue, Biggin Hill TN16 3BX

- 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 Alder Design & Build Ltd 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 the construction of four semi-detached houses in two blocks and ancillary car parking and bin stores.
-

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 applicant considers that the Council has behaved unreasonably in refusing planning permission for the development and should have granted planning permission having regard to the development plan and other material considerations including the recommendation of planning officers.
4. The applicant refers to what they consider as a failure of the Council to determine the application in a consistent manner to a previous planning approval to develop the site, and that the Council's arguments are not supported by reasonable, objective analysis.
5. I accept the argument that there are some similarities between the extant planning permission to develop the site, and the appeal proposal. The extant planning permission has been consistently referred to by all parties. I do however consider that there are sufficient differences between the extant planning permission and the appeal proposal that would entitle the decision maker to come to a different conclusion, albeit having regard to the extant planning permission. Each planning application can, and should be, considered on its own individual merits.
6. Although it can be seen from my decision that I disagree with the Council's decision, I find that Members of the Planning Committee did not act unreasonably in refusing planning permission contrary to the advice of planning officers. Following the decision, I consider that the Council provided a reasonable and objective analysis to substantiate its reason for refusal.

7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

A M Nilsson

INSPECTOR