
Costs Decision

Site visit made on 29 November 2019

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 05 December 2019

Costs application in relation to Appeal Ref: APP/E5330/W/19/3235188 9 St Alfege Passage, London SE10 9JS

- 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 Dermot Agnew for a full award of costs against Royal Borough of Greenwich Council.
 - The appeal was against the refusal of planning permission for the replacement of a first floor rear window with French doors and the installation of a first floor balcony and external staircase.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) sets out that in general terms, parties in planning appeals normally meet their own expenses. However, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeals process, they may be subject to an award of costs.
3. The appellant alleges that the Council failed to consult in the course of the application and indulged in an over-zealous, incorrect interpretation of policy that led to an unreasonable refusal of planning permission that in turn, has resulted in an unnecessary appeal.
4. It is clear from my parallel appeal decision that I do not agree that the refusal of planning permission was unreasonable and neither do I consider that the Council has applied policy incorrectly. To my mind the proposal is not one where consultation in the course of the application would have assisted because, as I have set out in my accompanying decision, the difficulties with it are 'in principle' ones.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Griffiths

INSPECTOR