
Costs Decision

Site visit made on 18 August 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Costs application in relation to Appeal Ref: APP/G5180/W/19/3244027 Pucks Cottage, Hazel Grove, Orpington BR6 8LU

- 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 Pardeep and Kiren Rohilla 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 demolition of existing 5-bedroom dwelling and replacement of new 5-bedroom dwelling with integrated garage.
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Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. 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.
4. On procedural grounds, the applicant has stated that the planning application was not determined in a timely manner and therefore the Council failed to adhere to deadlines. Although it is noted that the application was not decided within the statutory timeframe, as I have recommended that the appeal be dismissed, it did not result in delay to a development that should clearly have been permitted. Also highlighted is a lack of cooperation from the Council when responding to emails and telephone calls. However, evidence of this has not been provided and therefore this is not a conclusive matter.
5. On substantive grounds, the applicant has claimed that the Council have prevented development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material considerations, and have also made inaccurate assertions about the proposals impact, including the historic nature of the building. It has also been stated that the Council have not determined similar cases in a consistent manner.
6. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to their decision and

sound planning reasons were given for the refusal of the planning application within the decision notice and the officer's report. Therefore, the Council did not prevent development that should have been permitted. Also, as set out in the appeal decision, it is not considered that the Council misunderstood the age of the building, and in any case, as their concerns focussed on its style and appearance rather than its date of construction, any error would not have altered the overall outcome of the planning application.

7. Furthermore, although it is noted that there is similar development within the area, the full circumstances of these cases are unknown. Therefore, it cannot be concluded that the Council have been inconsistent with their decisions.
8. Overall, it is not considered that the Council have demonstrated unreasonable behaviour which would result in either a procedural or substantive award of costs. Therefore whilst I note the costs incurred by the appellant, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the Council as described in the Planning Practice Guidance. For this reason, an award for costs is not justified.

Conclusion and Recommendation

9. For the reasons given above and having had regard to all other matters raised, I recommend that an award of costs of refused.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is refused.

Andrew Owen

INSPECTOR