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## Costs Decision

Site visit made on 6 October 2020

**by T J Burnham BA (Hons) MSc MRTPI**

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

**Decision date: 29<sup>th</sup> October 2020**

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### **Costs application in relation to Appeal Ref: APP/E5330/W/19/3242713 Land adjacent 14 Westerdale Road, Greenwich Peninsula, London SE10 OLW**

- 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 Knightspur Homes Ltd 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 a single family dwelling house.
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### **Decision**

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

### **Reasons**

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)<sup>1</sup> advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The application for costs notes the fact that Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action.
4. It is claimed that the Council has failed to produce evidence to substantiate the reasons for refusal in the appeal. It is further claimed that the Council's objections were nonspecific and therefore represented vague, generalised and inaccurate assertions about the impact of the development not supported by any objective analysis which have delayed development.
5. In this case, I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of planning judgement. The Council members in this case were entitled not to accept the professional advice of the officers if a case could be made for the contrary view.
6. Whilst I have not agreed with Council Members in relation to the reasons for refusal, they relate to matters of planning judgement and the committee were entitled to come to that conclusion although it differed from officer views. The reasons for refusal and committee minutes clearly express the grounds on which the proposals were found to be unacceptable and details of relevant Local Plan Policy were provided in support. Consequently, it follows that I am

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<sup>1</sup> Paragraph: 030 Reference ID: 16-030-20140306

satisfied that the Council has shown that it was able to substantiate its reasons for refusal.

7. There is suggestion that the Council did not pay due regard to a previous approval at the site which is suggested would have had similar impacts. However, while previous approvals can form material considerations, there is nothing to evidence that the previous approval represented a clear and viable fall-back position at the time the decision was made or that those proposals would have had the same impact. In any event, Council members were not obliged to approve this scheme solely on this basis and were entitled to consider the proposal on its own merits.

### **Conclusion**

8. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

*T J Burnham*

INSPECTOR