



Costs Decision

Site visit made on 22 January 2021

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021.

Costs application in relation to Appeal Ref: APP/E5330/W/20/3260115 8 Streamdale, Abbey Wood SE2 0PD

- 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 Danshe Ltd for a full award of costs against the Council of the Royal Borough of Greenwich.
 - The appeal was made against the refusal to grant permission for the construction of two single-storey rear extensions and other associated external alterations to allow the conversion of the house into two self-contained C3 units.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded where a party has behaved unreasonably, and where the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The PPG makes it clear that planning authorities are at risk of an award of costs against them if they prevent or delay development which should clearly be permitted, having regard to the development plan, national policy and any other material considerations. As examples of behaviour that may give rise to a substantive award of costs against a local planning authority, the PPG also lists failure to produce evidence to substantiate each reason for refusal on appeal.
 4. The applicants state that the Council has refused the planning application using incorrect policies, and unjustified reasons, causing the appellant thousands of pounds in additional legal and professional fees, together with lost sales on each of the two residential units, with the consequent financial implications.
 5. Firstly, I should clarify that the wasted expense that can be the subject of an award of costs is limited to that incurred in the appeal process, so cannot include the financial implications of lost sales, or any legal and professional fees unrelated to this appeal process.
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6. The appellants described the application on their application form as the "*conversion of existing house to provide two self contained houses with single storey rear extensions and other associated alterations.*" The Council has assessed the proposal against policies that are relevant to that proposal. I have found no evidence to suggest that, in these circumstances, the Council used "*incorrect policies*" in the reasons for refusal.
7. In dealing with a number of the main issues I identified in relation to this appeal, I have agreed with the appellant that no material harm would be caused by the proposal. However, in each case, the Council has explained the reasoning behind its refusal reason, and sought to justify it at the appeal stage. Whilst I have not always agreed with the Council's reasoning, it has produced evidence that seeks to substantiate the reasons for refusal, and the reasons themselves were not "*unjustified*".
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Michael J Muston

INSPECTOR