



Costs Decision

Hearing Held on 5 January 2021

Site visit made on 5 January 2021

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Costs application in relation to Appeal Ref: APP/G5180/X/19/3235326 404 Blandford Road, Beckenham BR3 4NN

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ricki Sage for a full award of costs against the Council of the London Borough of Bromley.
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development for 'the use for which a certificate of lawful use or development is sought is that the current use of the outbuilding is not a material change of use of the planning unit'.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, 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. It is the appellant's case that the Council had failed to substantiate its case by reconsidering its position, following the submission of additional evidence after the appeal in April 2019. It is submitted that a full award of costs should be made against the Council.
4. I have been provided with a copy of the officer's report for the LDC application (DC/19/02449/ELUD). It seems to me, that it is clear from this and the Council's appeal statement, that the additional evidence including, the neighbours comments, the acoustic report and the Client schedules, were considered as part of the overall assessment. However, they did not find in the appellants favour.
5. Moreover, it will be seen from my decision, that having listened to, and considered all of the available evidence, I have not been led to a different decision and the appeal has not succeeded. I therefore find that the Council were entitled to come to the conclusion that they did.
6. Accordingly, it follows that I cannot agree that the Council has acted unreasonably, and that their decision to refuse the certificate has caused any party to incur unnecessary or wasted expense in the appeal process.

Conclusion

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated in this instance. Accordingly, I refuse the application for an award of costs against the Council.

Hilary Orr

INSPECTOR