
Costs Decision

Site visit made on 5 January 2021

by Mr Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Costs application in relation to Appeal Ref: APP/E5330/W/20/3259056 Adlington House, 107A Blackheath Park, Blackheath SE3 0EY

- 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 Purelake New 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 construction of lower ground floor extension, construction of a first floor extension and creation of four lightwells to facilitate the conversion of existing care home (Class C2) to nine self-contained flats (3x3-bed, 6x2-bed) with associated landscaping..
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Decision

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

Reasons

2. 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.
3. The application for costs relies on substantive matters, where the applicant contends that the Council has failed to sufficiently demonstrate that the proposal would result in a detrimental impact on highway safety, as well as that the Council applied the incorrect parking standard when considering the planning application. It has also been contended that the Council has failed to act in a positive and proactive manner in its determination of the application.
4. While it is the view of the applicant and their appointed highway consultant that the proposals would not result in a detrimental effect on highway safety, it is clear from the submitted information that the Council considered otherwise. The information submitted by the Council adequately substantiates its case and outlines why it was considered that the scheme was unacceptable. This is a view I have also reached when making my decision.
5. In respect of the parking standard applied by the Council, I note that the standard for a location within an Outer London borough was adopted. However, I have found that the location should be considered as an Inner London borough and the standard for that location applied. Whilst I have therefore found that a different parking requirement should apply, I am not convinced that the Council taking a different view from the one which it did would have avoided the appeal. This is particularly so given that I have found that the scheme would not be acceptable even when applying the lower of the parking requirements.

6. Given the concern that the Council has demonstrated in respect of the proposal, I find that they have not acted in a way that demonstrates a lack of a positive and proactive approach to the determination of the planning application.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Martin Allen

INSPECTOR