
Costs Decision

Site visit made on 10 December 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Costs application in relation to Appeal Ref: APP/C5690/W/20/3254302 26 Hillbrow Road, Bromley BR1 4JL

- 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 Stellar Hillbrow Ltd for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of planning permission for the development described as demolition of existing dwelling. Erection of one and two-storey residential buildings to create 6No. self-contained dwellings (C3). Provision of parking and landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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 Guidance clearly details that¹ costs cannot be claimed for the period during the determination of the planning application.
4. I note the considerable delays in receiving responses from the Council as a result, the Council details, of staff absences and in general in reaching a determination of the application. As a result I have some sympathy with the applicant, and I have taken into account the behaviour and actions of the Council at the time of the planning application in reaching my decision.
5. Nonetheless, in respect of the appeal process I have no substantive evidence before me to demonstrate that the Council's behaviour has been unreasonable, either substantive or procedural in nature, resulting in unnecessary or wasted expense.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mark Brooker INSPECTOR

¹ Paragraph: 033 Reference ID: 16-033-20140306