



Costs Decision

Site visit made on 7 December 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Costs application in relation to Appeal Ref: APP/D5120/W/21/3277584 Old Bexley Equestrian Training Centre, Stable Lane, Bexley DA5 2AW

- 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 Ms Wendy Tucker for a full award of costs against the London Borough of Bexley.
 - The appeal was against the refusal of planning permission for the retention of vehicular access.
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Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. 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.
4. On procedural grounds, the applicant contends that the Council demonstrated unreasonable behaviour with a delay in providing information. The appeal documents from the Council, including the questionnaire, were received by The Planning Inspectorate on 6 October 2021, in accordance with the appeal timetable. However, the applicant indicates that they did not receive these documents from the Council. Nevertheless, as the Council did not provide an appeal statement, the applicant would not have been disadvantaged by not receiving the appeal documents as no new evidence was submitted. Therefore, whilst this would appear to be an error on the Council's behalf, it would have no bearing on the outcome of the appeal and would not constitute unreasonable behaviour.
5. Therefore, whilst I note the costs incurred by the applicant, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the Council as described in the Planning Practice Guidance. For this reason, an award for costs in full or part is not justified.

Conclusion and Recommendation

6. For the reasons given above and having had regard to all other matters raised, I recommend that an award of costs of refused.

Emma Grierson

APPEALS PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is refused.

RC Kirby

INSPECTOR