
Costs Decision

Site visit made on 31 January 2022

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th February 2022

Costs application in relation to Appeal Ref: APP/G5180/W/21/3274564 Land adjacent to 107 Lockesley Drvie, Orpington BR5 2AB

- 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 Mr Angelo Kyranidis for a full award of costs against the Council of the London Borough of Bromley.
 - The appeal was against the refusal of planning permission for the erection of a detached two storey dwelling with accommodation in the roofspace to accommodate 2x self-contained two-bedroom residential units.
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Decision

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

Reasons

2. The appellant states that the Council has added an additional reason for refusal, compared to its previous determination of the planning application Ref 20/02110/FULL1. As a matter of fact, both the historic application and that under consideration at this appeal contain a single identical reason for refusal, save for reference to Policy 8 of the Local Plan being listed within the reason for refusal of the appeal scheme, therefore, there is no additional reason.
3. Policy 8 is a relevant policy for consideration of the appeal scheme and, in relation to this appeal it refers, amongst other things, to gaps between the sides of buildings and the plot boundaries. The Council indicates that Policy 8 was referred to in the text of the Officer report for the previous application and that it was intended to be included in the reason for refusal.
4. In relation to the appeal scheme, reference to Policy 8 is included within the reason for refusal and within the Officer report. If there is any fault, it lies in the omission of the reference to Policy 8 in the previous application's reason for refusal. This was rectified in the case of the decision notice for the appeal scheme. Firstly, I have to consider the Council's actions in relation to its determination of the appeal scheme, which includes a clear inclusion of Policy 8 in the reason and so cannot attract criticism. Any fault relates to the previous application which is not before me to determine. Secondly, from the Council's inclusion of Policy 8 within the Officer report for the previous application, I consider that its relevance would be clear.
5. In addition, within the application for Costs, the appellant refers to 'multiple grounds' for claiming costs. However, apart from the above, no specific

allegations are made and from my examination of the submissions there are no clear failings which would support the application for costs.

6. As a consequence of my findings, I conclude that the Council's actions in relation to this appeal have not been unreasonable. Therefore, the conditions necessary for an award of Costs have not been satisfied.

T Wood

INSPECTOR