



Costs Decision

Site visit made on 21 February 2022

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2022

Costs application in relation to Appeal Ref: APP/G5180/D/21/3286169 19 Shortlands Gardens, Bromley BR2 0EA

- 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 Mrs Charlene Payne 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 a two storey side extension.
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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. At ID: 16-049-20140306 it provides examples of types of behaviour that may give rise to a substantive award of costs against a local planning authority. Those include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national guidance and any other material considerations; and giving vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant states that the Council's approach was unhelpful - it delayed issuing a decision and then unreasonably refused her application, without due regard to its diminished scale compared to a previously refused scheme.
5. However, whilst I have reached a different conclusion to the Council on the planning merits of the scheme and its impact on the character and appearance of the area, having regard to the 'Design and heritage impact' section of its delegated report, I consider that the Council has appropriately described the reason for its decision. It did so with reference to the spatial qualities of the area, and the scheme's layout and siting. In reaching its decision it also referred to relevant development plan policies.
6. I have no cogent evidence to support the applicant's assertion that the Council's decision was unreasonably influenced by the site's planning history.

7. Finally, given the Council's assessment, this is not a case where a more reasonable stance might have resulted in a different outcome at application stage, and I have no evidence that the time the Council took to make a decision resulted in wasted expense.
8. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Chris Couper

INSPECTOR