



Costs Decision

Site visit made on 17 February 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Costs application in relation to Appeal Ref: APP/G5180/D/21/3281275 25 Grove Vale, Chislehurst BR7 5DS

- 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 Yavuz for a full award of costs against the London Borough of Bromley.
 - The appeal was against the refusal of planning permission for a children's activity frame and swings.
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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. Unreasonable behaviour can be considered as either substantive or procedural in nature.
3. The applicant considers that the Council behaved unreasonably by not properly considering the merits of the proposed scheme within their committee discussions, specifically that the committee decision lacked objectivity. The applicant also considers that the Council behaved unreasonably by entering into detailed discussions with the applicant during the application process culminating with an amended scheme that was supported by the planning officer, but still ultimately refused approval.
4. I find that negotiation during the application process, the submission of amended plans, and the ability of the committee to overturn the planning officer's recommendation, are part of normal planning procedures and therefore do not constitute unreasonable behaviour. There is, however, some discord between the committee minutes and the issued reason for refusal.
5. The brief summation within the committee minutes refers to concerns relating to the proposed development's visibility to the occupants of 7 Selby Close (a property to the rear of the appeal site) however the reason for refusal relates specifically to the loss of privacy for the occupants of No 7. While it is evident that the committee minutes are abridged, this is not unusual. Although I understand the applicant's perspective, and have allowed the appeal, the Council's decision notice cites relevant policies of the development plan in line with section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended. It is therefore considered that, without contrary evidence, the

Council's position in respect of the scheme is therefore a matter of planning judgement and is fairly substantiated.

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

RJ Redford

INSPECTOR