



Costs Decision

Site visit made on 19 May 2022

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2022

Costs application in relation to Appeal Ref: APP/D5120/D/22/3294789 192 Erith Road, Bexleyheath DA7 6HU

- 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 Kashmir Atwal for a full award of costs against the London Borough of Bexley Council.
 - The appeal was against the refusal of planning permission for a first floor 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. The basis of the appellant's application are inconsistencies resulting from the processing of the application by the London Borough of Bromley Council (the Council), involving unnecessary delays, misinterpretation, and miscommunication of information, amounting to unreasonable behaviour. The applicant seeks a full award of costs.
4. The appellant appears to have had to wait for paid for pre-planning advice from the Council, which was, however, received by the appellant prior to the application being made with the Council. Whilst the appellant may have had to wait for and were disappointed by this advice, in that it repeated the Council's position on similar refused and dismissed proposal's, this advice was consistent with the Council's previous reasons for refusal, appeal decisions and subsequent decision to refuse the application.
5. The delay in receiving this pre-planning advice is not, in these circumstances, a matter that relates to the appeal costs incurred by the appellant and there are other complaint procedures in relation to this delay that the appellant can pursue.
6. Whilst I have not agreed with the Council's decision and have allowed the appeal, I find that the Council have demonstrated consistent reasoning to justify their policy based decision to refuse the application. From the material

submitted for the purposes of this appeal and costs claim I cannot, therefore, conclude that the Council have been inconsistent, misinterpreted, or miscommunicated information in their processing and determination of the application. The costs that the appellant is referring to relate to this application and do not, therefore, fall to be considered under the appeals costs regime, as set out in the Planning Practice Guidance.

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

Conclusion

8. For the above reasons an award of costs is not justified

Victor Callister

INSPECTOR