
Costs Decision

Site visit made on 17 May 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2022

Costs application in relation to APP/G5180/W/21/3286413

Land at Canterbury Close, Beckenham, Bromley BR3 5EP

- 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 T Joseph 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 three storey building, with basement, comprising 5 flats and the laying out of associated parking spaces and amenity space.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) 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 because the Council has not justified or demonstrated its reasons for refusal. The applicant therefore feels they have unnecessarily been put to the trouble of submitting an appeal. The applicant considers that the Council has not had due regard to the specifics of the appeal site, the proposal or their relationship to the surrounding area in making its decision and have unreasonably refused permission.
4. The applicant also considers that the Council has not provided robust evidence including objective analysis in making their decision and objections were founded on local opposition to the scheme rather than valid planning objections.
5. I have considered the minutes from the Planning Committee meeting and while it is evident that the minutes are abridged, this is not unusual. They show that a number of representations were heard prior to a decision being taken by Members to refuse the application. Members are not bound to accept the recommendations of their Officers and subject to their assessment of the scheme's merits they are entitled to come to a different view when exercising planning judgment.

6. The concerns of the Committee related to matters of character and appearance, and these are a matter of planning judgment. These concerns are expressed and clearly set out in the reason for refusal, supported by relevant policies. The Council's position is further justified in its appeal statement which features a character analysis, assessment, and reference to planning policy in support of its case. On this basis, while I have come to a different view to the Council, I find the Council's position in respect of the scheme is substantiated by evidence and objective analysis.
7. I am also mindful that the PPG states that awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission. 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. An award of costs is not therefore justified.

N Praine

INSPECTOR