



Costs Decision

Site visit made on 25 October 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 NOVEMBER 2022

Costs application in relation to Appeal Ref: APP/G5180/W/22/3296033 154 Sevenoaks Way, Orpington, BR5 3AE

- 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 Ashview Homes Ltd for a full award of costs against the London Borough of Bromley.
 - The appeal was against the refusal of planning permission for the demolition of existing, single storey side extension and construction of 3no. bungalows with access from Sevenoaks Way.
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Decision

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

Reasons

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant has stated that the Council has failed to provide evidence to substantiate the reason for refusal, has provided statements which are contradictory and has introduced new arguments within the Statement of Case.
5. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the Bromley Local Plan (2019) that the proposal would be in conflict with. The officer report and the Council's Statement of Case has provided a clear and detailed explanation as to why the Council refused the proposal. Within both, the Council has clearly identified a key distinction between finding the design of the individual bungalows acceptable when viewed in isolation, whilst identifying harm as a result of overdevelopment of the site due to the quantum of development. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Council were not unreasonable in coming to that decision, and indeed following consideration of the application on its merits alone, I find no reason to disagree with the Council's conclusions.

6. Having reviewed the officer report and Council's Statement of Case in detail, I find that the Council did not introduce new arguments. Instead, the Statement of Case provided additional information to expand on the reason for refusal.
7. The applicant has stated that the Council caused an unnecessary delay to the progress of the appeal as a result of submitting the questionnaire and supporting documents three days late. Whilst this must have caused the applicant some concern, I find no substantive evidence that the applicant incurred any additional expense as this has not resulted in undue delay in processing the appeal.

Conclusion

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

B Pattison

INSPECTOR