



Costs Decision

Site visit made on 17 May 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Costs application in relation to Appeal Ref: APP/E5330/D/23/3316768 23 Clock Tower Mews, Greenwich, Thamesmead, SE28 8FA

- 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 & Mrs Coban for a full award of costs against the Council of the Royal Borough of Greenwich.
 - The appeal was against the refusal of an application for planning permission for the erection of a single-storey rear extension and double-storey side extension.
-

Decision

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

Reasons

2. The applicants have referred to '*the cost's circular*' in their submission. The DCLG Circular 03/2009: *Costs Awards in Appeals and Other Planning Procedures* has been replaced by the section of the Planning Practice Guidance headed *Appeals, the award of costs – general*. 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 applicants have pointed out that the Council did not undertake a site visit when considering the planning application and that this resulted in factual errors and a misunderstanding of the proposal, leading ultimately to a decision to refuse permission that was unsubstantiated and which consequently prevented and delayed development which should clearly have been permitted.
 4. The failure to undertake a site visit unquestionably has the potential to lead to circumstances where the effect of a proposal can be misunderstood. However, despite asserting in this instance that factual errors in the Council's understanding of the proposal were pointed out to them, there is no evidence before me to explain what these misunderstandings may have been, or when/how they were brought to the Council's attention. Neither have I been able to detect any such misunderstandings from my own reading of the officer's report.
 5. The applicants' claim that the proposal is in line with the development plan essentially goes to the heart of the planning appeal arguments rather than supporting a costs claim against the Council on the grounds of unreasonable behaviour.
-

6. I have found no evidence to support the applicants' assertion that the Council merely sought to refuse the application without substantiating their reasons. The officer's report provides an analysis of the scheme and reaches a conclusion that is based on reasonably sound planning principles and which is supported by development plan policies. The conflict they identified with their *Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document 2018* as far as it relates to the forward projection of the two-storey side extension, combined with their assessments for other parts of the proposal, led them to an overall conclusion that was different to my own. However, I do not find the Council's concerns to be unwarranted. Ultimately, as is often the case in planning decisions, the decision to refuse planning permission turned on matters of judgement that were subjective. As such, I do not agree that the Council's decision led to an appeal that could necessarily have been avoided.
7. Overall, for the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

John D Allan

INSPECTOR