



Costs Decision

Site visit made on 23 May 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2023

Costs application in relation to Appeal Ref: APP/D5120/W/22/3309980 37 Sunningdale Close, Bexley, London SE28 8QR

- 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 R Yacht for a full award of costs against the Council of the London Borough of Bexley.
 - The appeal was against the refusal of planning permission for erection of a three storey end of terrace dwelling with parking provision, cycle storage and refuse and recycling provision.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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. The appellant refers to the costs arising from the preparation and submission of the appeal and the delay charge paid to the appointed builder.
3. However, I have dismissed this appeal due to the harm arising to character and appearance. I cannot therefore conclude that the Council's refusal of the application represents unreasonable behaviour, and its decision has therefore not led to an appeal that could otherwise have been avoided. Even given my conclusions on the issues of flood risk and fire safety, these matters were only addressed on the basis of evidence submitted at the appeal stage.
4. With regard to the delay in respect of an appointed builder, the Guidance makes it clear that costs awards cannot extend to compensation for indirect losses, such as those which may result from a delay in obtaining planning permission.
5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

David Cross

INSPECTOR