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## Costs Decision

Site visit made on 16 January 2023

**by M Cryan BA(Hons) DipTP MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 July 2023**

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### **Costs application in relation to Appeal Ref: APP/D5120/W/22/3299503 The Coach House, 40 Watling Street, Bexleyheath DA6 7QG**

- 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 John McDonnell of Downmores Ltd 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 the erection of five flats comprising 3x 2-bed flats, 1x 3-bed flat and 1x 1-bed flat, with undercroft parking, cycle store and bin store.
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### **Decision**

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

### **Reasons**

2. Irrespective of the outcome of the appeal, 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 appellant's submission has simply set out a "cost analysis" claiming an award of £20,000 in costs; £6,000 for "agent fees" and £14,000 for unspecified "cost incurred due to 5 months of delays by the Council". However, no evidence whatsoever of any unreasonable behaviour on the part of the Council has been provided.

### **Conclusion**

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

*M Cryan*

Inspector