



Costs Decision

Site visit made on 3 June 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2024

Costs application in relation to Appeal Ref: APP/E5330/W/23/3334728 Land at corner of Dallin Road and Mayplace Lane, Shooters Hill, London SE18 3NT

- 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 Luke Hill for a full award of costs against the Council of the Royal Borough of Greenwich.
- The appeal was against the refusal of planning permission for the construction of a two storey, 3 bedroom (5 person) dwelling with associated environmental sustainability enhancements, landscaping refuse storage provision, pedestrian access of Dallin Road and on-site parking off Mayplace Lane.

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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 PPG states that awards may be either procedural, in regard to behaviour in relation to completing the appeal process, or substantive, which relates to the planning merits of the appeal.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; fails to produce evidence to substantiate each reason for refusal on appeal; and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant's cost claim asserts that the Council acted unreasonably by delaying information, deliberately concealing relevant evidence, preventing or delaying development which should clearly be permitted and relying on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by an objective analysis.
5. In this case, the Council's Officers recommended approval, but the Planning Committee Members did not accept the recommendations. The discussions by the Members during the meeting are noted, however they are not duty bound to follow the advice of their professional officers, including the views of the Council's Urban Design Officer.

6. Members are entitled to come to their own view in respect of a development, as such a decision is a matter of planning judgement. However, if a different decision is reached, the Council needs to clearly demonstrate the planning grounds for why a proposal is unacceptable and provide clear evidence to substantiate their reasoning.
7. While the applicant is dissatisfied with the level of debate undertaken by Members, the Council's reason for refusal relates to the design and height of the proposed property, which they consider would result in an appearance that would be detrimental to the street scene, thereby causing significant harm to the character and appearance of the area. In addition, the Council's decision references the relevant policies of the development plan. Furthermore, the Council provided an appeal statement which set out a justification for their decision.
8. Therefore, I am satisfied that the Council produced sufficient evidence to substantiate its case and, as is evident from my decision, I agree with the arguments advanced by the Council in respect of the effect of the development on the character and appearance of the area.
9. While it is Council procedure to publish minutes of a Planning Committee meeting at the next available meeting, in this case, the next meeting was not due to take place for some time. There was, however, a full recording of the Planning Committee meeting available on the Council's website. Moreover, the Council sought to assist the applicant by querying whether there was a specific issue they wished to ascertain any reference to in the minutes. The evidence indicates that the applicant responded by confirming there was no specific issue, and they were querying the delay publicising the minutes.
10. It is acknowledged that minutes are useful for applicants but given that a full recording of the meeting was available to the applicant, I do not consider that the Council have deliberately concealed relevant evidence or acted unreasonably by publishing the minutes of the Planning Committee meeting when they did, and after the appeal was lodged by the applicant.
11. While noting the applicant's frustration in respect of the time taken to go through the recording, this was, nevertheless, available to them and provided a full account of the meeting. As such, I do not consider that the lack of published minutes has put the applicant to unnecessary time or expense.
12. For the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs must fail.

S Pearce

INSPECTOR