
Costs Decision

Site visit made on 20 November 2024

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Costs application in relation to Appeal Ref: APP/G5180/X/23/3340854 25 Crowhurst Way, Orpington, Kent BR5 4BW

- 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 Dr Mercy Doni-Kwame for an award of costs against the Council of the London Borough of Bromley.
 - The appeal was against the Council's decision not to issue a lawful development certificate (LDC) for the change of roof formation to accompany a loft conversion, with associated rooflights.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Although the applicant does not state specifically whether the claim is in respect of procedural or substantive grounds in noting the points of the 'unreasonable behaviour' cited I have identified elements of both.
4. The essence of the applicant's case is his belief that the Council came to the wrong decision because it misapplied the regulations. However, in my main decision letter I have explained how and why the proposed development fails to satisfy a particular proviso of Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended. As all the limitations and restrictions set out Class B need to be met for the proposal to fall within the parameters of Class B, the decision the Council reached was correct.
5. The applicant then makes a number of procedural points whereby he requested that the Council reconsider its decision. The fact that the applicant contacted a local councillor and his MP is of no relevance as the Council was clearly of the view that it was justified in refusing to issue the LDC applied for.
6. In the circumstances, quite rightly, the Council officer informed the applicant that, if he disputed the decision(s) reached, he could exercise his right of appeal to the Planning Inspectorate. This is the correct procedure in such instances.

7. The applicant also indicates that during the appeal process the Council raised other reasons why the appeal should be dismissed. This is of little relevance as my remit as the appointed Inspector is to review the Council's decision having regard to the relevant legislation. Accordingly, I have carried out this duty and found that the Council's decision not to issue the LDC – which was reached within a reasonable time period - was well founded.
8. For the reasons given above I am satisfied that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
9. I therefore refuse the application for an award of costs.

Timothy C King

INSPECTOR