



Costs Decision

Site visit made on 13 December 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Costs application in relation to Appeal Ref: APP/E5330/W/24/3346835 25-27 Blanmerle Road, Eltham, London SE9 2DU

- 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 Lawrence Boyce for a full award of costs against the Council of the Royal Borough of Greenwich.
 - The appeal was against the grant subject to conditions of planning permission for demolition of existing maisonettes and linked double garage and replacement with 3 terraced dwellings with accommodation in roofspace to be served by front rooflights and rear dormers, and all associated works (revision to application 23/1753/F).
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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 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 applicant considers the Council has exhibited unreasonable behaviour with respect to the substance of the matter under appeal, by imposing a condition that does not satisfy the tests for their use, and by making "false and misleading statements".
4. The applicant also argues the Council has exhibited unreasonable behaviour that is procedural in nature, by failing to discuss or agree condition 10 with him prior to imposing it and by not mentioning the need for such a condition in previous refusals of planning permission on the same site.
5. I found in my appeal decision that condition 10 satisfies five of the six tests for use of planning conditions, including that it is necessary and relevant to the development. I have remedied my concerns about the precision of the condition's wording by varying the permission to remove condition 10 and imposing a modified version of it, which satisfies all six of the tests. In reaching my conclusion in that decision, I considered the applicant's evidence and his concerns about the Council's rationale for applying the disputed condition. I also addressed the procedural concerns raised and found no unreasonable behaviour on the part of the Council.
6. I refer the applicant to my reasoning on these points in the appeal decision. There is no need to repeat it here.

7. I therefore conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Carpenter

INSPECTOR