
Costs Decision

Site visit made on 2 April 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Costs application in relation to Appeal Ref: APP/G5180/W/24/3352192

54 Haywood Road, Bromley BR2 9RQ

- 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 D Rugless for a full award of costs against the Council of the London Borough of Bromley.
 - The appeal was against the refusal of planning permission for the proposed conversion of 6 bedroom mid terrace house (C3) to class C4 small HMO.
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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 (PPG) 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 contends that the Council, in its reasons for refusal, sought to control a situation beyond the scope of control of a planning application. However, the Council's response to the appellant's statement of case clearly sets out that an Article 4 direction affects the site and therefore the development proposed requires a planning application.
4. The officer report demonstrates that a planning balance was exercised by the Council, having regard to its adopted development plan and other material considerations in reaching its decision. This sufficiently sets out the reasoning for the Council's decision and I therefore disagree that the reasons for refusal are vague or unsubstantiated. I have found that the proposal would lead to an intensification of the use of the site and thus the first reason for refusal is valid.
5. The appellant states that the Council has deviated from guidance, common practices and previous Inspectors' decisions. It is inferred that this is the guidance referred to in the appellant's statement of case. Based on the lack of detail and content, I have found that this holds very little weight in the decision. It is not clear how the Council has deviated from this, and no specific Inspector decisions have been provided to substantiate this claim. No unreasonable behaviour has therefore been identified in this respect.
6. I have found that the second reason for refusal could have been overcome with a suitably worded condition, were permission to have been otherwise forthcoming. Whilst I agree that this is a demonstration of unreasonable behaviour on behalf of

the Council, it did not amount to the sole reason for refusing the development and therefore is not the only reason that the appellant finds themselves in the appeal process. Moreover, no further details have been provided on this matter through the appeal process in addition to what was provided at application stage. The unreasonable behaviour has therefore not caused the appellant any unnecessary or wasted expense in the appeal process.

Conclusion

7. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

L Gardner

INSPECTOR