



Costs Decision

Site visit made on 11 June 2025

by S Burch BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Costs application in relation to Appeal Ref: APP/G5180/W/25/3359868

17 Langdon Road, Bromley, BR2 9JS

- 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 Steve Doran of Live Daily Property Ltd 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 change of use of existing building to 5 person House in Multiple Occupation (HMO) and addition of ground floor flank window.
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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. Unreasonable behaviour on the part of a local planning authority may include it making vague, generalised or inaccurate assertions about a proposals impact, which are unsupported by any objective analysis, preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and not determining similar cases in a consistent manner.
4. 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.
5. Firstly, the applicant outlines how the Council missed a relevant deadline set by the Planning Inspectorate, therefore delaying the appeals process. Whilst deadlines are important for efficiency, and missing such a deadline may be considered unreasonable behaviour, I am not satisfied that this behaviour resulted in unnecessary or wasted expense as it would not have altered the outcome of the appeal.
6. Secondly, it is stated that the Council's reason for refusal is based on factual inaccuracies in relation to relevant information. The applicant makes specific reference to a nearby HMO that the Council did not initially acknowledge in its case officer report. Whilst consideration of the character of the area forms an important part of the decision, I am satisfied that the Council have included a detailed analysis of the character of the surrounding area, as set out in its case officer report and statement of case. As outlined in my appeal decision, the nearby HMO is in the

minority, and the area is predominately characterised by single family dwellings. I do not consider that the Council has acted unreasonably on this point.

7. The applicant outlines that the Council's refusal of permission is not based on any survey or technical basis and is instead focused on assertions. The Council has however outlined its reasoning and substantiated its position as to why the proposed development would adversely affect the character of the area, and the living conditions of neighbouring occupiers in its case officer report and statement of case. Based on its reasoning, such assumptions are reasonable to make, without a survey or technical basis.
8. The applicant criticises the Council's lack of reference to a recent appeal decision. However, the applicant did not cite this appeal decision until the final comments stage, after the submission of the Council's statement of case.
9. The Council does not reference the presumption in favour of sustainable development in its case officer report. However, whilst the scheme would make some contribution to housing supply in a broad sense, it would not result in an additional dwelling. In any instance, I am not satisfied that not referencing this has resulted in unnecessary or wasted expense.
10. Whilst the Council raises concerns regarding the appeal scheme setting a precedent, this is not mentioned in its refusal reason. The reasoning behind the Council's refusal reason is clearly set out. Reference to the creation of a precedent is not necessarily unreasonable, nor has it resulted in unnecessary or wasted expense. Again, the appeal decision referenced by the applicant was not cited until final comments stage, after the Council's submission of its statement of case.
11. Not entering the property during a site visit is not necessarily unreasonable behaviour. It is evident that the Council could see the appeal site from public land, and images from its site visit have been attached as an appendix to its statement of case. The layout of the property is clearly shown on the submitted plans, therefore it was not necessary to enter the property to understand the layout of it in this instance. The Council has clearly set out the reasoning for its objections to the scheme in its case officer report and statement of case.

Conclusion

12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Burch

INSPECTOR