
Costs Decision

Site visit made on 15 July 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Costs application in relation to Appeal Ref: APP/G5180/W/25/3362671

Thinkpad House, 155A Main Road, Biggin Hill, Bromley TN16 3JP

- 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 A Moses for a full award of costs against the Council of the London Borough of Bromley.
 - The appeal was against the refusal of the Council to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of Class E space to form 1 studio flat.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Unreasonable behaviour can include refusing an application on a planning ground that is capable of being dealt with by a condition that would enable the proposed development to go ahead, and making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis¹.
4. The Council indicated that the appeal scheme would be acceptable in terms of natural light if an extant planning permission for a lightwell was implemented but that the provisions of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relate to the change of use only and would not enable the construction of the lightwell. This conclusion was drawn despite the applicant providing to the Council, by way of its application covering letter, details of an appeal decision relating to an analogous situation and which explained that a condition could be used.
5. The Council has not provided any explanation as to why it did not follow such an approach in this case to enable the development to go ahead.
6. In relation to transport impacts the Council has said that insufficient information was provided as part of the application to allow the Council to clearly demonstrate that the proposed highways impact of the scheme would be acceptable in terms of clarity on proposed parking and adequate cycle provision.

¹ <https://www.gov.uk/guidance/appeals#award-of-costs>, Paragraph: 049 Reference ID: 16-049-20140306

7. However, this is at odds with the Council's officer report which notes that, when considering the appeal scheme as a car-free development (i.e. with no car parking), the Council's highways officer had raised no objection to the scheme. Furthermore, even though the highways officer's position was unequivocal, it would have been open to the Council to ask for further details if it still considered the submitted information to be inadequate.
8. Given the lack of any explanation as to why the Council considered the submitted information to be inadequate, I consider the second reason for refusal to be a vague and generalised assertion which is unsupported by any objective assessment.
9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Bromley shall pay to Mr A Moses the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to the Council of the London Borough of Bromley, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P Burley

INSPECTOR