



Costs Decision

Site visit made on 19 August 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Costs application in relation to Appeal Ref: APP/D5120/W/25/3363935 120 Northumberland Avenue, Welling, Bexley DA16 2PZ

- 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 Bexley.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for change of use from dwellinghouse (Class C3) to a flexible use of dwellinghouse (Class C3) and House of Multiple Occupation (Class C4) for a maximum of six people involving the erection of part 1/part 2 storey front, side and rear extension and conversion of roof space involving alterations to existing roofline, including a rear dormer extension and two rooflights to front roofslope.
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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. Unreasonable behaviour can be procedural (relating to the appeal process) or substantive (relating to the planning merits of the case).
3. The appellant contends that the Council acted unreasonably by delaying the determination of application ref 24/02744/FUL until the outcome of an earlier appeal (ref APP/D5120/W/24/3353667) was known. It is claimed that the Council's delay amounted to unreasonable behaviour which resulted in the need for an unnecessary appeal and the associated costs.
4. The Council acknowledges that it opted to delay determination but explains that the outcome of the previous appeal was considered highly relevant to the determination of the current proposal, given the similarities in the nature of the development, site context and issues in dispute. It considered that a refusal within the statutory period, in advance of that appeal decision, risked wasted expense and a possible inconsistent outcome. The Council also maintained that concerns regarding refuse and cycle storage, and the proliferation of HMOs (including the presence of an adjoining HMO at No.118), remained unresolved until the Inspector's decision in the earlier appeal was issued. That earlier decision upheld the reason for refusal relating to the impact of the proposed storage on the character and appearance of the area.

5. The Council was entitled to consider that the earlier appeal outcome could be material to its decision on the current application, and it is not unreasonable for it to have awaited that decision before determining the later application. The issues overlapped substantially, and the Inspector's findings in the earlier appeal provided support for at least part of the Council's stance on the current proposal. This lends weight to the view that the Council's approach, although resulting in non-determination, was not without sound planning grounds.
6. Moreover, the appellant would still have needed to prepare an appeal case on the character and appearance impacts of refuse and cycle storage. The Council's decision to await the earlier appeal outcome did not, on the evidence before me, result in the appellant incurring expense that would have been otherwise avoided.
7. The conclusion on this costs application is made independently of my decision on the planning merits of the scheme. While I have allowed the appeal, that outcome does not alter my finding that the Council's conduct in this case was not unreasonable for the purposes of the PPG on awards of costs.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Thomas Courtney

INSPECTOR