



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/25/3364037

118 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 refusal of planning permission for the proposed conversion of existing C4 small HMO for 6 people to a Sui Generis HMO for 8 people.
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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. Examples include failing to produce evidence to substantiate a reason for refusal or relying on vague, generalised, or inaccurate assertions about a proposal's impact.
3. The appellant submits that the Council failed to substantiate its reasons for refusal, particularly in relation to the first reason concerning noise and disturbance. It is argued that the Council relied on vague assertions rather than evidence-based analysis to demonstrate that an increase from six to eight occupants would cause unacceptable harm. The appellant states that the Council did not adequately distinguish between the existing authorised use and the proposed increase, nor did it properly account for the controls available through the HMO licensing regime.
4. Reference is also made to the absence of objections from consultees, which the appellant says further undermines the Council's position. As a result, the appellant contends that the Council's approach constituted unreasonable behaviour which caused them to incur unnecessary expense in pursuing the appeal.
5. The Council's first reason for refusal - concerning noise and disturbance - was explained in its delegated report, which set out the potential for increased activity associated with eight occupants in a semi-detached dwelling on a compact plot. While the appellant disputes the scale of any likely effect, the Council's reasoning was linked to site-specific factors and to relevant policies in the Bexley Local Plan and the NPPF. This was a matter of planning judgement.
6. The second and third reasons for refusal, relating to refuse/recycling provision and cycle storage, were also set out in the officer report with reference to policy

requirements. The Council relied on evidence from internal consultees indicating that the proposed refuse provision would be insufficient for eight residents and that the cycle parking fell short of adopted standards for a large HMO (Sui Generis). Although the appellant considers these issues could have been addressed by condition, it was not unreasonable for the Council to conclude that the degree of shortfall and the physical constraints of the site warranted resolution at application stage.

7. The absence of objections from consultees, or the existence of licensing controls, does not preclude the Council from exercising its planning judgement. Nor has it been shown that the Council's reasons for refusal were so lacking in substance that they should not have been pursued. The Council's decision was supported by written reasoning, policy references, and some consultee input. While the appeal has been dismissed for similar reasons, even if it had been allowed, the evidence does not demonstrate that the Council's conduct met the threshold of unreasonable behaviour as set out in the PPG.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Thomas Courtney

INSPECTOR