



---

## 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: 5<sup>th</sup> September 2025

---

**Costs application in relation to Appeal Ref: APP/G5180/W/25/3359990**

**132 Barnfield Wood Road, Beckenham, Bromley BR3 6SX**

- 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 Victor Isibor 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 development the 'demolition of existing dwelling and construction of new house.'
- 

### 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. The applicant considers that the Council have behaved unreasonably on substantive grounds on the basis that the current application was refused by Members of the Planning Committee against the recommendation of the Council's professional officers and that the policy upon which the refusal relies upon would not be demonstrably breached and the impact of the development therefore has been substantially overstated.
6. It is well established that Council Members do not need to follow the advice of their professional officers and are open to exercise their own planning judgement, but in doing so, are required to adequately substantiate their position.
7. The case officer's Committee Report, whilst recommending approval, sets out in detail the balance of considerations undertaken in relation to character and appearance matters. It seems to me that in this context, Members could reasonably reach a different view to their officers, on what is ultimately a subjective matter.

8. Whilst the Committee minutes provided to me give limited detail, they do outline that a Member raised concerns associated with the demolition of an important building. Subsequently, the application was refused on grounds relating to the effect on the character and appearance of the area, including the Park Langley Area of Special Residential Character.
9. The reason for refusal is complete, precise, specific and relevant to the application submitted. It clearly states the policies of the development plan and the material planning considerations that, in the Council's view, the proposal would conflict with. The Council's Statement of Case seeks to justify and substantiate their position.

### **Conclusion**

10. Based on my reasoning above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For the reasons set out, and having regard to all other matters raised, an award for costs is therefore not justified.

*S Burch*

INSPECTOR