
Costs Decision

Site visit made on 17 October 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Costs application in relation to Appeal Ref: APP/D5120/W/25/3368796 R/O 45 Sandhurst Road, Bexley, Kent DA5 1DD

- 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 Greenwood Property Maintenance Ltd 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 Erection of 3 bed detached dwelling.

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. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant asserts that the Council has acted unreasonably through the failure to acknowledge a change to national and local planning policy since a previous appeal at the site and to respond to additional analysis of the character of the area prepared by the applicant. The applicant also contends that the Council did not have regard to the Council's housing land supply and therefore did not accurately apply the presumption in favour of sustainable development.
5. The Council's Planning Officer report refers to the National Planning Policy Framework (2024) (Framework), the London Plan (2021) and the Bexley Local Plan (2023) throughout. In addition, the Council's reasons for refusal refer to these up to date policies and there is no substantive evidence that the Council failed to acknowledge the changes to national and local planning policy.
6. Issues that relate to character and appearance often involve matters of judgement. Whilst there is no explicit reference to the applicant's photographic survey, within the officer report the Council clearly identified the elements which they consider harmful to the character of the area and articulate their concerns. I have agreed with the Council's analysis in relation to this refusal reason, which produced clear reasoning related to the effect on local character and appearance backed up by

reference to current planning policies. Consequently, the Council were not unreasonable in coming to that decision.

7. The applicant indicates that the Council is unable to demonstrate an appropriate housing land supply and therefore Paragraph 11 of the Framework is relevant. The applicant's evidence in relation to five year housing land supply (5YHLS) is fairly limited, and I note that the Council maintain that they can demonstrate a 5YHLS. Regardless, I have applied the planning balance in this appeal process, and as set out in the decision, the identified adverse impacts associated with the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, following consideration of the application on its merits alone, I have concurred with the Council. As such, I do not find that they have acted unreasonably.
8. Paragraph 047 of the PPG indicates that examples of unreasonable behaviour include introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen.
9. The applicant considers that the Council's confirmation of the 5YHLS within the rebuttal of the application for the award of costs introduced substantive appeal arguments which were in effect a late submission. However, the Council's comments on the issue, were simply to respond to the applicant's arguments, and did not, in my view, amount to the introduction of fresh and substantial evidence. I find no substantive evidence that the applicant incurred additional expense as a result of any further preparatory work.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A claim for costs is not therefore justified and accordingly it is refused.

B Pattison

INSPECTOR