



Costs Decision

by John Braithwaite BSc(Arch) BA(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

Costs application in relation to Appeal Ref: APP/E5330/X/24/3351252

198 Domonic Drive, New Eltham, London SE9 3LE

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Erdogan Poinci for a full award of costs against Royal Borough of Greenwich.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for an LDC for demolition of garage and replacement with an outbuilding.
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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.
3. The ability to appeal against non-determination of an application is available to an Applicant in situations where the Council, for whatever reason, has failed to meet the statutory timetable; issue of decision no more than eight weeks after the date of the application. The application is dated 13 March 2024 though it is not known when the application was validated, which would be the start date of the eight week determination period. The Council claims that "...the expiry date of the application passed in June...". The appeal was submitted on 4 September 2024.
4. There was no contact between the Council and the Agent/Appellant before or after the submission of the appeal until 12 December 2024. There followed a series of email exchanges and telephone calls between Council Officers and the Agent regarding, amongst other things, the possibility of withdrawing the appeal and fast tracking a further application. With no certainty that a further application would be successful the Agent declined the Council's 'offer'. This negotiation between the parties was outside of the appeal process and did not, in itself, delay its progress.
5. The reasons for the Council's delay in determining the application are not relevant and are addressed by the ability to appeal against non-determination, which could have been exercised well before it was. The negotiation between the parties was outside the appeal process and the Council did not act unreasonably by making the offer it did. The Appellant has not been required to produce and submit any information during the appeal process that was not submitted with the application. The Council has not acted unreasonably and the Appellant has not incurred any wasted expense.

6. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not justified.

John Braithwaite

Inspector