



Costs Decision

Site visit made on 2 December 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Costs application in relation to Appeal Ref: APP/D5120/W/25/3370990 255 Bexley Road, Erith, Bexley DA8 3EX

- 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 H Rai 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 erection of a two storey rear extension to create an additional dwelling and enlarge an existing dwelling with associated amenity space and retention of Use Class E following the demolition of existing garage.
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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 PPG makes it clear that a local planning authority may be at risk of a substantive award of costs if it: prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations; or makes vague, generalised or inaccurate assertions about a proposal's impact.
4. The applicant considers that the Council's failure to determine the application within the statutory period and its delay in reviewing the case constituted unreasonable behaviour and resulted in wasted expense being incurred in lodging an appeal.
5. Whilst the PPG advises that in some instances delays can result in a successful claim for costs, in this case the Council, although not explaining its reasons for not reaching a decision within the relevant period, made it clear that had it been able to issue a decision, it would have refused permission. Since I have dismissed the appeal, the Council has not delayed development which should clearly be permitted.
6. The Council's appeal statement explained that the proposal provided unsatisfactory living conditions for future occupiers, and set out the policies of the development plan that the proposal conflicted with. Therefore, the Council did not make vague, generalised or inaccurate assertions about the proposal's impact.

7. In view of the above, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. Therefore, an award of costs is not justified against the Council.

J Heppell

INSPECTOR