



Costs Decision

Site visit made on 1 December 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Costs application in relation to Appeal Ref: APP/D5120/W/25/3372632

Kilworth House, 17 Westergate Road, London SE2 0DR

- 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 Christopher Towill 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 construction of a new build two-storey side extension with loft conversion to the existing residential building to create three self-contained 2-bed flats.
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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 requires local planning authorities to behave reasonably in relation to procedural matters at the appeal. Examples of unreasonable behaviour include delay in providing information or other failure to adhere to deadlines, and providing information that is shown to be manifestly inaccurate or untrue.
4. The applicant considers that the application was refused as a result of errors and mistakes by the Council, citing inaccurate highways comments which were subsequently reversed; a failure to provide objections in a timely manner; erroneous advice that the application had been referred to Committee; no indication that there were issues with the ceiling height or BNG calculations; and no opportunity to address these issues. The applicant believes that the Council failed to work with the applicant in a positive and proactive manner, as a consequence of which the development has been significantly delayed.
5. Procedural awards of costs relate to behaviour at the appeal, and as none of these actions occurred during the appeal, a procedural award of costs is not warranted. I have therefore given consideration to whether unreasonable behaviour occurred with respect to the substance of the matter under appeal. Examples in the PPG include preventing or delaying development which should clearly be permitted, and refusing to provide reasonably requested information when a more helpful approach would probably have resulted in the appeal being avoided altogether.

6. The errors made by the Council were corrected and did not affect the outcome of the application. The delay in providing details of objections similarly did not affect the outcome of the application. The Council afforded the appellant the opportunity to address one of its concerns (the size of a bedroom) but not others (ceiling heights and BNG calculations). Whilst the Council's approach was inconsistent, it is not under an obligation to allow applicants to amend schemes after an application has been submitted, and it has subsequently explained its concerns in a reasoned manner. I therefore do not find that the Council behaved unreasonably with respect to the substance of the appeal.

Conclusion

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