

Costs Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 21 September 2026

**Costs application in relation to Appeal Ref: APP/D5120/X/25/3373810
2 St Edmunds Close, Bexley, London DA18 4DU**

- 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 O Olarinsoye for a full award of costs against the Council of the London Borough of Bexley.
 - The appeal was against the refusal of a certificate of lawful use or development (LDC) for use as a residential care home Class C3(b) for up to 4 young persons with learning disabilities or mental health problems in need of care, but living as one household.
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Decision

1. The application for costs is refused.

Reasons

2. 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 appellant says that the Council unfairly refused to issue the LDC, despite being in receipt of all information required to demonstrate lawfulness. It is clear from my Decision on the appeal that I disagree, given my finding that the appellant had not submitted sufficiently precise and unambiguous evidence to demonstrate that the proposal would be lawful.
4. I have no evidence to support a finding that the Council has been inconsistent in its approach to similar applications. In any case, each application needs to be decided on its own merits. It seems to me that the application was.
5. It is not in dispute that the Council did not determine the application in accordance with the statutory timeframe. I agree with the appellant that he should have been given a proper explanation by the Council when it became clear that a decision would not be made within the time limits. However, as the Council refused the application, it seems to me that the outcome of the delay simply meant that the appellant appealed the disputed decision later rather than sooner. In other words, since an appeal would have been made anyway, there was no wasted expense on behalf the appellant. The appellant says that the delay of the Council in making a decision on the proposal had cost implications – however, the PPG is clear that costs can only be awarded in relation to unnecessary or wasted expense incurred in the appeal process.
6. I see no good evidence that the decision on the LDC application was rushed, particularly given the amount of time the Council took to make it. In any case, it was well-reasoned on the merits of the case. Moreover, I agree with it.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Andrew Walker

INSPECTOR