



Costs Decision

Site visit made on 25 October 2022

by Robert Naylor Bsc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 NOVEMBER 2022

Costs application in relation to Appeal Ref: APP/G5180/W/22/3296844 2 Bromley Avenue, Bromley BR1 4BQ

- 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 Urban Infill Ltd for a full award of costs against the Council for the London Borough of Bromley.
 - The appeal was against the refusal of planning permission for demolition of existing 2-storey dwelling house and construction of 3-storey building including accommodation in the roof space comprising of 5 apartment units with associated parking, amenity space & cycle storage for 14 bikes.
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Decision

1. The application for an award of 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 applicant submits that the Council has acted unreasonably in that it has gone against the advice of its professional officers and refused the application based on erroneous public opinion and proximity to local elections. The applicant further contends time delay and procedural failures caused by staffing issues also constitutes unreasonable behaviour.
4. Section 70(2) of the Town and Country Planning Act 1990 as amended, is clear that, *'in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations'*.
5. In this case, I have noted the recommendation of the Council's Officers. However, this is a matter of judgement. Though the appeal is allowed, the refusal of planning permission at the application stage does not necessarily represent unreasonable behaviour. The Council members in this case were entitled not to accept the professional advice of officers so long as a case could be made for the contrary view. The Council considered the development in respect of the surrounding area and was reasoned in its analysis. As such I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal. In coming to this view, I have taken into account the applicant's concerns regarding the functioning of the Committee and the proximity of the local elections.

6. The appellant has also expressed concerns regarding time delays and procedural failures associated with staffing issues during the application process, and the extended length of time taken to make the decision. Whilst this must have caused the appellant some frustration, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

Robert Naylor

INSPECTOR