

Costs Decision

Site visit made on 1 February 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 7th February 2017

**Costs application in relation to Appeal Ref: APP/C5690/D/16/3164499
Land at 45 Lewisham Park, London, SE13 6QZ.**

- 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 Paul Fashade for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of planning permission for a rear single storey extension (retrospective application).
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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. Local planning authorities are at risk of an award of costs if they prevent or delay a development which should clearly be permitted, or where they fail to produce evidence to substantiate all reasons for refusal.
3. Having regard to the reasons stated for dismissing the Appeal, the Council was not unreasonable in refusing the application. From the Council's delegated report it is clear that in assessing the merits of the scheme the Council clearly took into account National and local planning policies. They assessed the merits of the scheme having regard to such policies and set out their reasons for refusal clearly and precisely.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Elizabeth Lawrence

INSPECTOR

