The Planning Inspectorate

Costs Decision

Site visit made on 24 December 2018

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2019

Costs application in relation to Appeal Ref: APP/N5660/W/18/3204619
156 Acre Lane, London SW2 5UT

- 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 Sanjay Patel for a full award of costs against the Council of the London Borough of Lambeth.
- The appeal was against the refusal of planning permission for a three storey family dwelling with three bedrooms.

Decision

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

Procedural Matter

2. The proposed development is described on the application form as: *a three storey single family dwelling with three bedrooms*. The proposed dwelling as shown on the submitted plans is however part two storey and part single storey and has two bedrooms. This is also the description of the proposed development on the appeal form and decision notice. I have had regard to the plans in reaching both my decision and my costs decision.

Reasons

3. 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.

4. The appellant considers that the Council acted unreasonably because the reasons for refusal were unsupported and that the experience of using the pre-application service was poor.

5. The appellant does not provide any evidence with the costs claim to support the view that the reasons for refusal were unsupported but has asked me to take account of the evidence within his statement of case.

6. The Planning Practice Guidance indicates that failure to provide evidence to substantiate each reason for refusal on appeal is an example of the type of behaviour which may give rise to a substantive award against a local planning authority.

7. In this case, the Council listed five reasons for refusal and relied upon the information within the officer's delegated report at the appeal. No statement of case was submitted. Each of the five reasons for refusal relates to a section of

the delegated report, I consider that the Council's position on each was reasonably clear, although the information on some of the reasons within report was concise. Nevertheless, I do consider that the information was sufficient for the appellant to compile his statement of case on most of the issues.

8. Although I have dismissed the appeal, I did conclude that there was not a requirement for an affordable housing contribution having regard to the provisions in the National Planning Policy Framework (the Framework) which was published after the appeal was made. I placed significant weight on the Framework. No additional evidence was submitted from either party in the light of the publication of the Framework.

9. In respect of the other reasons for refusal, I consider that the delegated report provided sufficient clarity of the Council's position as to enable the appellant to prepare his statement of case, notwithstanding that I concluded that the proposal would not harm the living conditions of future occupants. Overall, I do not consider that the Council's evidence in relation to the reasons for refusal was unsubstantiated so as to constitute unreasonable behaviour leading to unnecessary or wasted expense.

10. In respect of the pre-application advice service, the appellant states that he did not use it for the application which is the subject of this appeal, as he was unhappy with it on a previous application. The Council states that the pre-application was closed by the appellant before receiving formal advice. The costs claim before me should only relate to the current appeal not a previous application.

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mike Worden

INSPECTOR