



Costs Decision

Site Visit made on 25 September 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Costs application in relation to Appeal Ref: APP/C5690/W/19/3228855 56 Callander Road, London SE26 2QE

- 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 Stephen Pippard, Liquid Property Solutions Ltd 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 change of use from use class C4 (House in Multiple Occupation for up to 6 people) to a Sui Generis (House in Multiple Occupation for 7 people).
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Decision

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

Reasons

2. Paragraph 30 of the government's Planning Practice Guidance ("the PPG") advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant submits that the Council has acted unreasonably by refusing a change of use application as they have not determined the application on the basis of a balanced and consistent judgement of all the material planning considerations, and as a result they have incurred unnecessary expense.
4. The Council refused the planning application on the sole ground of the loss of an existing larger house, suitable for family occupation. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. The reason has been adequately substantiated by the Council in its Officer Report. It is a matter of difference in position between the two parties in respect of whether or not the current use can be deemed as family housing.
5. Whilst the Applicant considers there to have been an inconsistent approach taken to the decision-making process, each decision is ultimately a matter of planning judgement, specific to each planning application. This does not amount to taking an inconsistent approach.
6. The Applicant is also of the view that the Council did not consider the demand for additional accommodation to be created and the 'supportive' approach to HMOs taken by the 'London Plan, Draft New London Plan and London Plan SPG'. However, in the planning judgement, the Council have determined the

application in accordance with the development plan, and have robustly reasoned their approach within the Officer Report. The Council were not unreasonable in coming to that decision. Indeed, following consideration of the appeal scheme, I have reached the same conclusion.

7. In response to the Applicant seeking compensation due to timeliness of building works and loss of revenue, no award of costs can extend to compensation for indirect losses as costs should generally relate to the appeal process.
8. None of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Alison Scott

INSPECTOR