



Costs Decision

Hearing Held on 17 December 2019

Site visit made on 17 December 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Costs application in relation to Appeal Ref: APP/C5690/W/19/3225093 27-33 Malham Road, Forest Hill, London SE23 1AH

- 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 Joseph Robson for a partial award of costs against the Council of the London Borough of Lewisham.
 - The hearing was in connection with an appeal against the refusal to grant approval required under Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for change of use of the entire building from B1(c) light industrial to C3 residential.
-

Decision

1. The application for a partial award of costs is allowed in the terms set out below.

Reasons

2. A costs statement signed by both main parties to the appeal dated 19 December 2019 was submitted shortly after the Hearing. In this the parties agree that abortive work had been undertaken on behalf of the appellant that would have been unnecessary had the Council not initially advanced a 'land supply' argument. The abortive work amounted to half of the costs incurred to instruct the planning consultants to prepare the original statement of case and the cost of instructing a QC to advise over this. The parties have agreed the actual costs this amounts to. The Council has agreed not to resist the allegation of unreasonable behaviour as it related to the abortive work undertaken regarding the land supply case, whilst reserving the right to respond to other cost allegations were they to be made by the appellant in a formal application.
3. I am treating this as an application for a partial award of costs which the Council is not resisting. My decision is over this application and not the actual costs amount. Based on the jointly signed statement, and the evidence that was before me in the appeal, I have no reason to differ from the facts set out in the jointly-signed statement. The application for a partial award of costs is therefore approved.

Costs Order

4. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, it is hereby ordered that the

Council of the London Borough of Lewisham shall pay to Mr Joseph Robson the costs of the appeal proceedings described above.

5. The applicant is now invited to submit to the Council of the London Borough of Lewisham, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement. In the event that the parties no longer agree over the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Jonathan Price

INSPECTOR